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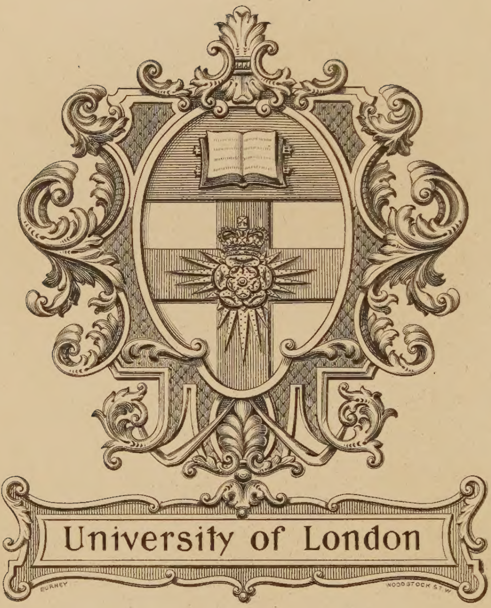

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# HANSARD'S

# PARLIAMENTARY DEBATES,

## THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

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## 33° & 34° VICTORIÆ, 1870.

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## VOL. CCII.

COMPRISING THE PERIOD FROM

THE FOURTEENTH DAY OF JUNE 1870,

TO

THE EIGHTH DAY OF JULY 1870.

---

*Fourth Volume of the Session.*

---

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Question again proposed, "That the words proposed to be left out stand part of the Question."

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Question again proposed, "That the words proposed to be left out stand part of the Question."

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Question put, "That this House do now adjourn,"—(*Colonel Charles Lindsay:*)—The House *divided;* Ayes 24, Noes 66; Majority 42.

Question again proposed, "That the words proposed to be left out stand part of the Question."

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To leave out from the word "That" to the end of the Question, in order to add the words "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds,"—(*Mr. Henry Richard*,)—instead thereof.

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To leave out from the word "That" to the end of the Question, in order to add the words "the continued want of employment among those who live by waged labour in many of the great Towns of the Kingdom calls for the special consideration of this House, with a view to the means that may best be devised for the remedy of the same without delay,"—(*Mr. W. M. Torrens*,)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate *resumed* 850

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| | £ |
|---|---|
| Post Office Packet Service ... | 300,000 |
| Post Office Telegraphs ... | 90,000 |
| | £390,000 |

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**Gun Licences Bill** [Bill 134]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Chancellor of the Exchequer*) 852

*Gun Licences Bill*—continued.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Taylor*,)—instead thereof.

After short debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 262, Noes 41; Majority 221.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*:—Bill *considered* in Committee.

After short time spent therein, Committee report Progress; to sit again upon *Monday* next.

**Norwich Voters Disfranchisement Bill**—

Lords' Amendment *considered* .. .. .. 856

Amendment in page 1, line 23, Leave out "No," and insert "Neither Arthur Bignold, mentioned in Schedule A, annexed to the said Report, nor any," read a second time.

Amendment proposed to be made thereunto, by inserting after the name "Bignold" the words "nor Orlando D. Ray,"—(*Mr. Donald Dalrymple.*)

Question proposed, "That those words be there inserted:"—Debate arising:—*Moved*, "That the Debate be now adjourned,"—(*Mr. Rylands*:)—Motion, by leave, *withdrawn*:—Original Question put, and *agreed to*:—Lords' Amendment, as amended, *agreed to.*

## LORDS, FRIDAY, JUNE 24.

PALACE OF WESTMINSTER—ST. STEPHEN'S CRYPT—MOTION FOR AN ADDRESS—

*Moved*, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the requisite arrangements be made for the performance of divine service in the lately restored chapel in Saint Stephen's Crypt during the Session of Parliament,—(*The Lord Bishop of Gloucester and Bristol*) ... .. ... ... .. 857

After short debate, Motion (by Leave of the House) *withdrawn.*

**Irish Land Bill** (No. 122)—

House again in Committee (according to Order) .. .. 859

Clause 3 (Compensation in absence of custom) again read.

Division List, Contents and Not-Contents .. .. .. 889

House *resumed;* and to be again in Committee on *Monday* next.

## COMMONS, FRIDAY, JUNE 24.

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CASE OF MR. FENELLY—Question, Mr. Osborne; Answer, Mr. Bruce .. 894

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CADETS IN THE INDIAN ARMY—Question, Mr. Salt; Answer, Mr. Grant Duff .. .. .. .. .. 894

IRELAND—THE MILITIA—Question, Colonel French; Answer, Mr. Cardwell 895

**Elementary Education** (*re-committed*) **Bill** [Bill 167]—

Order read for resuming Adjourned Debate on Amendment proposed to Question [20th June], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds,"—(*Mr. Henry Richard*,)—instead thereof.

*Elementary Education Bill*—continued.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate *resumed* .. .. 895

After long debate, Question put:—The House *divided;* Ayes 421, Noes 60; Majority 361.

Division List, Noes .. .. .. .. 949

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*:—Bill *considered* in Committee:—Committee report Progress; to sit again upon *Monday* next.

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[House counted out.]

## LORDS, MONDAY, JUNE 27.

The Late Earl of Clarendon—Observations, Earl Granville:—Short debate thereon .. .. .. .. 950

**Sequestration Bill** (No. 145)—

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After short debate, further Debate *adjourned* to *Monday* next.

**Irish Land Bill** (No. 122—

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[*Part* I.—*Law of Compensation to Tenants.*]

Clauses 1 to 12—*Claim to Compensation.*

Clause 4 (Compensation in respect of improvements. Exception of certain improvements. Exception of certain tenancies).

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Clause 8 (Limitation as to disturbance in holding) .. .. 993

Clause 9 (Exception in case of lands required for labourers' cottages) 997

House *resumed*; and to be again in Committee *To-morrow.*

## COMMONS, MONDAY, JUNE 27.

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Elementary Education Bill—Question, Mr. Kennaway; Answer, Mr. W. E. Forster .. .. .. .. 998

Army—Deaths from Sunstroke on March—Questions, Mr. Dent, Lord Ernest Bruce, Sir Patrick O'Brien, Mr. Sclater-Booth, Lord Eustace Cecil; Answers, Mr. Cardwell .. .. .. 999

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Poor Law—Returns of Pauperism—Question, Mr. Kekewich; Answer, Mr. Goschen .. .. .. .. .. 1005

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**Elementary Education** (*re-committed*) **Bill** [Bill 167]—

Bill *considered* in Committee [*Progress 24th June*] .. .. 1006

Clauses 1 and 2 *agreed to.*

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"That this House will immediately resolve itself into a Committee to consider of providing for the constitution of Parochial Councils in all parishes in England and Wales, and to define and enlarge the powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches,"—(*Viscount Sandon*) ... .. 1121

After long debate, Question put, and *agreed to*:—Matter *considered* in Committee.

Resolution *agreed to,* and *reported*:—Bill *ordered* (*Viscount Sandon, Mr. Cowper-Temple.*)

EAST INDIA COMPANY—MOTION FOR AN ADDRESS—*Moved,*

"That an humble Address be presented to Her Majesty, praying that as the orders Her Majesty was graciously pleased to give for the redress of the grievances of the Officers of Her Majesty's late Indian Military Services, consequent upon an Address of the House of Commons, dated the 2nd day of May, 1865, have not been carried out, in the sense of the Address, owing to deductions being made from the bonâ fide claim of officers on the ground of accelerated promotion and on the ground of increased retired pensions, Her Majesty may be graciously pleased to direct a further consideration of the subject, with a view to the redress of the still unsatisfied claims,"—(*Colonel Sykes*) ... .. 1147

After debate, Question put:—The House *divided;* Ayes 113, Noes 92; Majority 21.

ARMY—COLONELS—MOTION FOR A SELECT COMMITTEE—*Moved,*

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**Dublin City Voters Disfranchisement] Bill**—*Ordered* (*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*); *presented,* and read the first time [Bill 184] .. 1170

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**Life Assurance Companies Bill** [Bill 2]—

Bill *considered* in Committee. [*Progress 2nd March*] .. .. 1170

After some time spent therein, Bill *reported;* as amended, to be *considered* upon *Monday* next.

**Sale of Liquors on Sunday Bill** [Bill 57]—

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After short debate, Debate *adjourned* till *To-morrow.*

**Local Government Supplemental (No. 3) Bill**—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 188] ... .. 1195

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**Medical Act (1858) Amendment Bill** (No. 93)—

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Committee report Progress; to sit again *To-morrow*, at Two of the clock.

**Sanitary Act (1866) Amendment Bill**—*Ordered* (*Dr. Brewer, Mr. William Henry Smith*); *presented*, and read the first time [Bill 189] ... .. 1283

## LORDS, FRIDAY, JULY 1.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—MOTION FOR AN ADDRESS—

*Moved*, "That an humble Address be presented to Her Majesty praying that immediate provision may be made for the more rapid despatch of business before the Judicial Committee,"—(*The Lord Westbury*) ... ... ... .. 1283

After debate, Motion (by Leave of the House) *withdrawn*.

**Ecclesiastical Titles Act Repeal Bill** (No. 105)—

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After short time spent therein, Amendments made; the Report thereof to be received on *Monday* next: and Bill to be *printed*, as amended. (No. 175.)

IRELAND—DISTURBANCES AT CORK—Question, The Duke of Buckingham; Answer, The Earl Spencer:—Short debate thereon .. .. 1302

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Clause 26 (Establishment of industrial schools) .. .. 1324

Clause 27 (School Board) .. .. .. .. 1329

Committee report Progress; to sit again upon *Monday* next.

**New Zealand Loan (Guarantee) Bill**—Resolution *reported*, and *agreed to*:—Bill *ordered* (*Mr. Dodson, Mr. Monsell, Mr. Chancellor of the Exchequer, Mr. Stansfeld*); *presented*, and read the first time [Bill 190] ... ... .. 1329

[House counted out.]

## LORDS, MONDAY, JULY 4.

THE NEW LECTIONARY, OR TABLE OF LESSONS—Question, Earl Stanhope; Answer, The Lord Chancellor .. .. .. 1330

RED RIVER TERRITORY—MOTION FOR PAPERS—

*Moved*, "That an humble Address be presented to Her Majesty, requesting that Her Majesty may be graciously pleased to order that Her Majesty's Principal Secretary of State for the Colonies do lay upon the Table of this House a copy of the correspondence had with the Reverend G. O. Corbett, one of the landed proprietors of British North West America, in reference to the Red River Rebellion and the causes that have led to it, as disclosed in certain communications addressed to the Colonial Office from the 25th of August 1868 to the present time; and also of all petitions that may have been addressed to Her Majesty or to Her Majesty's Government from the inhabitants of such localities,"—(*The Marquess of Clanricarde*) ... ... ... .. 1331

After short debate, Motion (by Leave of the House) *withdrawn*.

**Benefices Bill** (No. 130)—
*Moved,* "That the Bill be now read 2ª,"—(*The Duke of Marlborough*) .. 1336
After short debate, on Question? *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 12*th instant.*

**Benefices Resignation Bill** (No. 161)—
Amendments *reported* (according to Order) .. .. .. 1343
After short debate, further Amendments made:—Bill to be read 3ª on *Friday* next, and to be *printed*, as amended. (No. 178.)

**Sequestration Bill** (No. 145)—
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After short debate, on Question, That the Bill be read 3ª? *Resolved* in the *Affirmative*:—Bill read 3ª accordingly:—Amendments made; Bill *passed*, and sent to the Commons.

**Medical Act (1858) Amendment Bill** (No. 173)—
Amendments *reported* (according to Order) .. .. 1347
After short debate, further Amendments made:—Bill to be read 3ª *To-morrow.*

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Parliament — Public Business — Observations, Mr. Gladstone:—Short debate thereon:—*Moved,* "That this House do now adjourn,"—(*Mr. Eykyn:*)—After short debate, Motion, by leave, *withdrawn* .. 1365

**University Tests Bill** [Bill 105]—

Bill, as amended, *considered* .. .. .. .. 1372

After short debate, Bill to be read the third time *To-morrow*, at Two of the clock.

**Elementary Education** (*re-committed*) **Bill** [Bill 167]—

Bill *considered* in Committee [*Progress* 1*st July*] .. .. 1398

Clause 27 (School Boards) .. .. .. .. 1398

Clause 28 *agreed to.*

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

**Extradition Bill** [Bill 138]—

Bill *considered* in Committee .. .. .. .. 1425

After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next.

**Merchant Shipping Code Bill** [Bill 24]—

Order for Committee read .. .. .. .. 1426

After short debate, Committee *deferred* till *Monday* 1*st August.*

**Dublin City Voters Disfranchisement Bill** [Bill 184]—

Order for Second Reading read .. .. .. 1426

After short debate, Motion *agreed to:*—Bill read a second time, and *committed* for *Monday* next.

**Sheriffs (Scotland) Act (1853) Amendment, &c. Bill**—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented*, and read the first time [Bill 191] ... ... 1427

**Paupers Conveyance (Expenses) Bill**—*Ordered* (*Mr. Peel, Mr. Goschen*); *presented*, and read the first time [Bill 193] ... ... ... ... 1427

**Shannon Navigation Bill**—*Ordered* (*Mr. Stansfeld, Mr. Chichester Fortescue*); *presented*, and read the first time [Bill 192] ... ... ... 1427

**Shipping Dues Exemption Act (1867) Amendment Bill**—Resolution *agreed to*, and *reported*:—Bill *ordered* (*Mr. Russell Gurney, Mr. Cowper-Temple*); *presented*, and read the first time [Bill 194] ... ... ... ... 1427

## LORDS, TUESDAY, JULY 5.

**Ecclesiastical Courts Bill** (No. 26)—

*Moved*, "That the Order for the Second Reading be discharged,"—(*The Earl of Shaftesbury*) .. .. .. .. 1428

Motion *agreed to;* Order *discharged.*

**Irish Land Bill** (Nos. 122, 168)—

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Clause 68 (Special definitions) .. .. .. 1454

Amendments made; Bill to be read 3ª on *Friday* next, and to be *printed*, as amended. (No. 184.)

[PROTEST against the Report.]

**Medical Act (1858) Amendment Bill** (No. 173)—

*Moved*, "That the Bill be now read 3ª,"—(*The Lord President*) .. 1456

Amendment *moved*, to leave out ("now") and insert ("this day three months,")—(*The Marquess of Clanricarde.*)

After short debate, on Question, That ("now") stand part of the Motion? —*Resolved* in the *Affirmative;* Bill read 3ª accordingly, and *passed*, and sent to the Commons.

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NAVY—H.M. SHIPS "MONARCH" AND "CAPTAIN"—Question, Mr. Graves; Answer, Mr. Baxter .. .. .. .. 1459

**University Tests Bill** [Bill 105]—

*Moved,* "That the Bill be now read the third time" .. .. 1460

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Greene.*)

After long debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 247, Noes 113; Majority 134:—Main Question put, and *agreed to:*—Bill read the third time, and passed.

**Elementary Education** (*re-committed*) **Bill** [Bill 167]—

Bill *considered* in Committee [*Progress 4th July*] .. .. 1476

Clause 29 (Election of school Board) .. .. .. 1476

Clause 30 *agreed to.*

Clause 31 (Disqualification of member of Board) .. .. 1480

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Clauses 34 to 39, inclusive, *agreed to.*

Clause 40 (Small parish) .. .. .. .. 1488

Committee report Progress; to sit again upon *Thursday.*

NATIONAL DEBT—RESOLUTION—*Moved,*

"That, in the opinion of this House, it is desirable that some decisive step should be taken substantially and gradually to reduce the National Debt,"—(*Mr. Lambert*) .. 1494

Amendment proposed, to leave out the words "that some decisive step should be taken,"—(*Mr. Chancellor of the Exchequer*)

After long debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived:*—Main Question, as amended, put, and *agreed to.*

*Resolved,* That, in the opinion of this House, it is desirable substantially and gradually to reduce the National Debt.

SHIPS "BOMBAY" AND "ONEIDA"—RESOLUTION—*Moved,*

"That, in the opinion of this House, there is nothing in the evidence taken by the Naval Court of Inquiry, or in the Correspondence which has been laid before Parliament, to justify the severe reprimand administered by the Board of Trade to Captain Eyre, and that further inquiry into his conduct ought to be made,"—(*Mr. Hanbury-Tracy*) .. 1513

After long debate, Motion, by leave, *withdrawn.*

CORRUPT PRACTICES AT ELECTIONS—MOTION FOR A RETURN—*Moved,*

"That there be laid before this House, a Return of all expenses incurred by the Royal Commissions severally appointed during the year 1869 to inquire into the existence of Corrupt Practices at Elections in the City of Norwich, and the Boroughs of Beverley and Bridgwater,"—(*Mr. James Lowther*) ... ... .. 1546

After short debate, Debate *adjourned* till *Tuesday* next.

PARLIAMENT—BUSINESS OF THE HOUSE—RESOLUTION—*Moved,*

"That, in the opinion of this House, the interests both of Government legislation and of private Members would be promoted by the abolition of Morning Sittings, and by giving Government business precedence of Notices of Motions on Tuesdays after the 15th of June in each year,"—(*Mr. Andrew Johnston*) ... ... .. 1554

After short-debate, Motion, by leave, *withdrawn.*

**Sewage Utilization Supplemental Bill**—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*) ... ... ... ... .. 1554

**Consolidated Fund (£9,000,000) Bill**—Resolution *reported,* and *agreed to:*—Bill *ordered* (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*); *presented,* and read the first time ... ... ... ... .. 1554

## COMMONS, WEDNESDAY, JULY 6.

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**Poaching Prevention Act Repeal Bill** [Bill 93]—

*Moved,* "That the Bill be now read a second time,"—(*Mr. Brown*) .. 1555

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Viscount Galway.*)

After long debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 62, Noes 140; Majority 78:—Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *put off* for three months.

**Sunday Trading Bill** (*Lords*) [Bill 68]—

*Moved,* "That the Bill be now read a second time," — (*Mr. Thomas Hughes*) .. .. .. .. .. 1573

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Taylor.*)

After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 109, Noes 64; Majority 45:—Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *To-morrow.*

**Vaccination Act (1867) Amendment Bill** [Bill 126]—

Order for resuming Adjourned Debate on Second Reading [31st May] read .. .. .. .. .. 1584

After debate, Order *discharged:*—Bill *withdrawn.*

**Habitual Drunkards Bill**—*Ordered* (*Mr. Donald Dalrymple, Mr. Gordon, Mr. Pease*); *presented,* and read the first time [Bill 197] ... ... ... 1592

**Pedlars' Certificates Bill**—*Ordered* (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*); *presented,* and read the first time [Bill 199] ... ... ... 1592

**Vestries (Isle of Man) Bill**—*Ordered* (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*); *presented,* and read the first time [Bill 198] ... ... ... 1592

**Public Schools Act (1868) Amendment Bill**—*Ordered* (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*); *presented,* and read the first time [Bill 200] ... ... 1592

**Sewage Utilization Supplemental Bill**—*Presented,* and read the first time [Bill 201] 1592

## LORDS, THURSDAY, JULY 7.

**Children, &c. Protection Bill** (No. 84)—

*Moved,* "That the Bill be now read 2ª,"—(*The Marquess Townshend*) .. 1593

After short debate, Order for the Second Reading *discharged,* and Bill (by leave of the House) *withdrawn.*

**Metropolitan Regulations Bill** (No. 85)—

*Moved,* "That the Bill be now read 2ª,"—(*The Marquess Townshend*) .. 1595

After short debate, Order for the Second Reading *discharged,* and Bill (by leave of the House) *withdrawn.*

**Sligo and Cashel Disfranchisement Bill** (No. 167)—

Order of the Day for the Second Reading, read .. .. 1596

After short debate, Petition *presented, read,* and *ordered* to lie on the Table.

*Moved,* "That the Bill be now read 2ª,"—(*The Lord Dufferin.*)

Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Then it was *moved,* "That leave be given to the said Petitioners to be then heard as prayed,"—(*The Earl of Granard*); after further short debate, on Question, *Resolved* in the *Negative.*

**Prayer Book (Lectionary) Bill** (No. 127)—

*Moved,* "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 1602

After debate, Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

## COMMONS, THURSDAY, JULY 7.

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Parliament—Bridgwater and Beverley—Appropriation of the Seats—Question, Mr. Locke King; Answer, Mr. Gladstone .. .. 1613
Army Expenditure—Question, Lord Garlies; Answer, Mr. Cardwell .. 1613
Army—The 9th Regiment—Deaths on the March—Questions, Mr. Anderson, Sir Patrick O'Brien; Answers, Mr. Bruce, Mr. Cardwell .. 1614
Army—Control Sub-Departments—Question, Lord Robert Montagu; Answer, Mr. Cardwell .. .. .. .. 1615
Metropolis—Hyde Park—The Serpentine—Question, Mr. Wilbraham Egerton; Answer, Mr. Ayrton .. .. .. 1616
Army—Martini-Henry Rifle—Question, Colonel Barttelot; Answer, Mr. Cardwell .. .. .. .. .. 1616
Cattle Disease—Questions, Mr. Gore Langton, Mr. Neville-Grenville, Sir Henry Selwin-Ibbetson; Answers, Mr. W. E. Forster .. .. 1617
Turnpike Trusts—Questions, Lord George Cavendish, Sir George Jenkinson; Answers, Mr. Bruce .. .. .. .. 1618
Ireland—Official Salaries—Question, Mr. Plunket; Answer, Mr. Gladstone .. .. .. .. .. 1620
Office of Lord Privy Seal—Question, Mr. J. White; Answer, Mr. Gladstone .. .. .. .. .. 1620
Park Keepers in Regent's Park—Question, Mr. Harvey Lewis; Answer, Mr. Ayrton .. .. .. .. .. 1621
Turkey—Fire at Constantinople—Question, Mr. A. Seymour; Answer, The Chancellor of the Exchequer .. .. .. 1622
Education in the Channel Islands—Question, Mr. Haviland-Burke; Answer, Mr. W. E. Forster .. .. .. 1623
British Merchants in Hayti—Question, Mr. Anderson; Answer, Mr. Otway .. .. .. .. .. 1623
India—Great Indian Peninsula Railway Company—Questions, Sir Stafford Northcote, Mr. J. B. Smith; Answers, Mr. Grant Duff .. 1623
Treaty with China—Reported Massacres in—Question, Mr. Magniac; Answer, Mr. Otway .. .. .. .. 1624
Gas for the Metropolis—Question, Mr. Stephen Cave; Answer, Mr. Shaw Lefevre .. .. .. .. 1625

**Elementary Education** (*re-committed*) **Bill** [Bill 167]—

Bill *considered* in Committee [*Progress 5th July*] .. .. 1625
Clause 45 (School fund of school Board) .. .. .. 1625
Clause 46 (Deficiency of school fund raised out of rates) .. 1654
Clause 47 (Apportionment of school fund in united and contributory district) .. .. .. .. .. 1670
Clause 48 *agreed to.*
Clause 49 (Expense of providing school may be spread over thirty years) .. .. .. .. .. 1671
Clause 50 (Accounts to be made up and examined) .. .. 1671
Clause 51 (Audit in a borough) .. .. .. 1671
Clause 52 (Audit in a district not a borough) .. .. 1672
Clause 53 *agreed to.*
Clause 54 (Publication of accounts) .. .. .. 1672
Clause 55 (Proceedings on default by school Board) .. .. 1673
Clauses 56 and 57 *agreed to* .. .. .. 1677
Committee report Progress; to sit again *To-morrow*, at Two of the Clock.

**Processions** (**Ireland**) **Bill** [Bill 170]—

*Moved*, "That the Bill be now read a second time,"—(*Mr. Chichester Fortescue*) .. .. .. .. .. 1677
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. William Johnston.*)

*Processions* (*Ireland*) *Bill*—continued.

Question proposed, "That the word 'now,' stand part of the Question:"—After long debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. W. H. Gregory*:)—The House *divided;* Ayes 111, Noes 72; Majority 39:—Debate *adjourned* till *Monday* 18th July.

**Clerical Disabilities Bill** [Bill 49]—

Bill *considered* in Committee .. .. .. .. 1692

After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next.

**Sugar Duties (Isle of Man) Bill**—Resolution *agreed to,* and *reported*:—Bill *ordered* (*Mr. Stansfeld, Mr. Chancellor of the Exchequer, Mr. William Henry Gladstone*); *presented,* and read the first time [Bill 203] .. .. .. 1693

## LORDS, FRIDAY, JULY 8.

**Benefices Resignation Bill** (No. 178)—

*Moved,* "That the Bill be now read 3ª,"—(*The Lord Bishop of Winchester*) 1693

After short debate, further Debate *adjourned* to *Tuesday* next.

**Irish Land Bill** (No. 184)—

*Moved,* "That the Bill be now read 3ª,"—(*The Earl Granville*) .. 1695

After short debate, on Question? *agreed to*:—Bill read 3ª accordingly, with the Amendments.

After further debate, *Moved,* That the Bill do pass? objected to; on Question? *agreed to*:—Bill *passed* accordingly, and sent to the Commons.

SALMON FISHERIES—Question, Lord Abinger; Answer, The Earl of Morley 1709

## COMMONS, FRIDAY, JULY 8.

CIVIL SERVICE COMMISSIONERS—ATTENDANCE OF CANDIDATES IN POLICE COURTS—Question, Dr. Lush; Answer, Mr. Stansfeld .. .. 1710

CENSUS OF 1871—Question, Sir John Pakington; Answer, Mr. Bruce .. 1711

ACCOUNTANT GENERAL IN CHANCERY—Question, Mr. Salt; Answer, Mr. Stansfeld .. .. .. .. .. 1712

**Elementary Education** (*re-committed*) **Bill** [Bill 167]—

Bill *considered* in Committee [*Progress 7th July*] .. .. 1713

Clauses 58 to 60, inclusive, *agreed to.*

Clause 61 (Proceedings on default of authority to make Returns) .. 1713

Clause 62 (Inquiry by Inspectors of Education Department) .. 1713

Clause 63 *agreed to* .. .. .. .. 1715

Clause 64 (Public inquiry) .. .. .. 1715

Clause 65 (Attendance of child at school) .. .. 1716

Committee report Progress; to sit again upon *Monday* next.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

METROPOLIS—THAMES EMBANKMENT—MOTION FOR AN ADDRESS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis,"—(*Mr. William Henry Smith,*)—instead thereof 1752

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House *divided;* Ayes 106, Noes 156; Majority 50:—Words *added*:—Main Question, as amended, put, and *agreed to.*

*Resolved,* That an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis,"—(*Mr. William Henry Smith.*)

[*July* 8.] *Page*

SUPPLY—Order for Committee—*continued.*

FRIENDLY SOCIETIES—OBSERVATIONS—*Moved,* "That this House do now adjourn,"—(*Mr. E. M. Richards*) .. .. .. 1786

After short debate, Motion, by leave, *withdrawn.*

*Resolved,* That this House will immediately resolve itself into the Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the existing state of the law relating to Friendly Societies,"—(*Mr. Evan Richards,*)—instead thereof .. 1788

After short debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*:—Words *added.*

Main Question, as amended, put, and *agreed to.*

**Drainage of Lands (Ireland) Provisional Order Confirmation Bill**—*Ordered* (*Mr. William Henry Gladstone, Mr. Stansfeld*); *presented,* and read the first time [Bill 205] ... ... ... ... .. 1790

**Inclosure Bill**—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 206] ... ... ... .. 1790

# LORDS.

## NEW PEERS.

TUESDAY, JUNE 21, 1870.

Right Honourable Thomas O'Hagan, Baron O'Hagan of Tullahogue in the county of Tyrone.

THURSDAY, JUNE 23.

Sir John Emerich Edward Dalberg-Acton, Baronet, Baron Acton of Aldenham in the county of Salop.

## SAT FIRST.

TUESDAY, JUNE 14, 1870.

The Lord Zouche, after the Death of his Mother.
The Lord Monteagle of Brandon, after the Death of his Grandfather.
The Lord Hartismere, after the Death of his Father.

MONDAY, JUNE 20.

The Lord Auckland, after the Death of his Father.

THURSDAY, JUNE 23.

The Lord Wigan (Earl of Crawford and Balcarres), after the Death of his Father.

FRIDAY, JULY 1.

The Lord Hawke, after the Death of his Cousin.

THURSDAY, MAY 12.

Richard Bishop of Chichester.

THURSDAY, JUNE 16.

Robert Bent Bishop of Down, Connor, &c.

# COMMONS.

## NEW WRITS ISSUED.

FRIDAY, JUNE 17, 1870.

For *Bristol*, *v.* Elisha Smith Robinson, esquire, void Election.

WEDNESDAY, JULY 6.

For *Norwich*, *v.* Sir Henry Josias Stracey, baronet, void Election.

## NEW MEMBERS SWORN.

TUESDAY, JUNE 14, 1870.

*The County of the Isle of Wight*—Alexander Dundas Whishart Ross Baillie Cochrane, esquire.

THURSDAY, JUNE 16.

*Leicester County* (Southern Division)—William Unwin Heygate, esquire.

MONDAY, JUNE 27.

*Bristol*—Kirkman Daniel Hodgson, esquire.

# HANSARD'S
# PARLIAMENTARY DEBATES,

IN THE

*SECOND SESSION* OF THE *TWENTIETH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE
CONTINUED TILL 8 FEBRUARY, 1870, IN THE THIRTY-
THIRD YEAR OF THE REIGN OF

## HER MAJESTY QUEEN VICTORIA.

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FOURTH VOLUME OF THE SESSION.

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## HOUSE OF LORDS,

*Tuesday*, 14*th June*, 1870.

MINUTES.]—*Sat First in Parliament*—The Lord Zouche, after the death of his mother; The Lord Monteagle of Brandon, after the death of his grandfather; The Lord Hartismere, after the death of his father.

PUBLIC BILLS—*First Reading*—Jewish United Synagogues * (137); Saint Olave, &c. Charities * (138).

*Second Reading*—Union of Benefices Amendment (1870) (118); Benefices Resignation (119); Irish Land (122), *debate adjourned.*

*Third Reading*—Norwich Voters Disfranchisement * (128); Bridgwater and Beverley Disfranchisement * (129), and *passed.*

### UNION OF BENEFICES AMENDMENT (1870) BILL—(No. 118.)

(*The Lord Bishop of Winchester.*)

SECOND READING.

THE BISHOP OF WINCHESTER, in moving that the Bill be now read a second time, said, that as he believed there was no opposition to the measure, he need not trespass at length on their Lordships' attention. The occasion for the Bill was this—certain Acts passed in the present reign provided for the union of contiguous benefices; but if, after such union, it was found desirable to take down one of the churches in the united benefices the parishioners of the church so removed did not obtain full parochial rights in the now common church. The Bill therefore provided that, after the union of several benefices in which there were two or more churches, the Bishop of the diocese, with the consent in writing of the incumbent and the patron of the benefice, might, by a written instrument duly registered, appoint one of those churches to be the parish church of the united benefices; the other church being removed either entirely or partly, or be converted into a mortuary chapel; and thereon all the residents within the united benefice would be entitled to the same privileges and liable to the same obligations in respect to the preserved church as if it had always been the sole parish church.

Provision was made for preserving the site and churchyard of the disused church, and, if it were demolished, for removing the monuments to the now sole church.

Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on *Thursday* next.

## BENEFICES RESIGNATION BILL.

(*The Lord Bishop of Winchester.*)

(NO. 119.) SECOND READING.

THE BISHOP OF **WINCHESTER**, in moving that the Bill be now read the second time, said, that its object was to deal with what was universally admitted amongst the Bishops of the Church to be a very great evil; it had been considered and agreed to by every Bishop upon the English Bench; it had been approved by the Convocation of the Province of Canterbury; and the clergy generally had an earnest desire to see it passed. He proposed by this measure to extend to the beneficed clergy the principle applied to the Episcopal Bench by the Episcopal Resignation Bill of last year. It would enable clergymen who had become worn out in the work of the ministry, or who had otherwise become incapacitated to perform their work, to resign their benefices, under certain carefully-guarded provisions, and with the consent of their Bishop and Archbishop. Those who resigned their benefices in this manner would continue to receive one-third of the gross profits—as the Bill said; but perhaps it would be better to make it one-third of the net profits of the living. Their retirement would be a great advantage to the parishioners, who would be able to have the services of young and able men; and the arrangement would be a great boon to the clergy who felt unfit to continue in the work. He trusted no objection would be raised to the principle of the Bill, though, of course it would be right that its provisions should be considered in Committee.

Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on *Thursday* next.

## IRISH LAND BILL—(No. 122.)

(*The Earl Granville.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL **GRANVILLE**: My Lords, it is not necessary for me to point out to your Lordships the difficulty and importance of the task which has fallen upon me this evening. I feel that I have no right to claim your Lordships' indulgence—I can only promise to do my best in explaining the grounds and provisions of this measure. I am afraid that I shall not be so full—certainly not so clear—as your Lordships might desire; but I hope not to be very long; and I trust and believe that I shall introduce no topic of a personal or party character which may create irritation in a debate which I am sure your Lordships feel ought to be carried on with great calmness and impartiality. One part of my duty—and that not the most difficult one—is to show that there is necessity for legislation on this question. Now my own impression is, that since the Report of the Devon Commission legislation has been inevitable. It was attempted, indeed, immediately after the Report of the Commission, by a Conservative Government; and other Administrations have since repeated the attempt. It happens that this very day last year I had the honour of moving the second reading of the Bill with regard to the Irish Church; and it may be remembered that some of your Lordships argued that that was a Bill which the Irish laity did not care about, their minds being entirely absorbed in the land question. I believe none of your Lordships can doubt that the relations of landlord and tenant in Ireland are not of a perfectly satisfactory character. Both landlords and tenants have grievances. The grievances of the tenants, as I understand, are their liability to capricious eviction, to the danger of having their rents exorbitantly raised, and to the confiscation of improvements which they have themselves made. They state that, while their condition is intolerable under bad landlords—who, I rejoice to believe, are in a minority in that country—even under good landlords they do not feel security, on account of the chances of death, of succession, of a change of agents, and particularly of sales. Two of the Poor Law Inspectors—Mr. Knox and Mr. Hamilton, stated, the one that the feeling of insecurity is chiefly created by sales, and the other that it is the usual rule, when sales have taken place, to raise the rents without any reference to the improvements which have been made by the tenants; and your Lordships must feel that this ground of insecurity is not inconsiderable, when we know that by public, apart from private sales, during the last 20 years, one-eighth of the whole property of Ireland has changed hands. The landlords, under the existing state of the law, have also their grievances. It is stated, on good authority, that the rent of land in Ireland is lower, considering the capability of the soil, than that of any civilized country in Europe. We are told also that it is the fact that the usual number of years' purchase is about one-third less than in this country. We know, moreover, that the interest of money lent on mortgage is higher. Besides this, landlords complain of the difficulty of dealing with tenants, and that they are subjected, in some parts of Ireland, to sad outrages on themselves, their agents, and their families. My Lords, I do not know that I could give a summary of the grievances of the landlord in fewer words than those used in your Lordships' House last year by the late Lord Derby, who, your Lordships are aware, was not only an eloquent statesman, but a most shrewd and sagacious man of business. He told your Lordships that 40 years before the time he was speaking he undertook the management of the family estates in Ireland, and that during that time he had expended upon them a sum equal to the fee simple of the whole property, and that at the end of that period he was not deriving more income from them than he derived when he commenced that expenditure. Lord Derby further said that fixity of tenure practically existed, arising partly from practice and partly from a cause which he did not mention, but which, unluckily, it was only too easy for us to understand. It is worth while to consider what can be the law—what can be the circumstances—to which, in a great degree, such a state of things may fairly be attributed. I have often heard it said that the law respecting land in Ireland is the same as in England. I believe such is not the case—it is not so either in its letter, or in its spirit, or in its administration. With regard to the circumstances, we know that improvements are generally made by the tenants in Ireland; by the landlords almost universally in England. We know that middlemen rarely exist in this country, and we know what evil they have created in Ireland. The law, moreover, regarding land in England grew out of the old feudal system, and has been completely acquiesced in by the landlords and tenants of this country. In Ireland it was imposed by strangers, and has never been practically acquiesced in by the tenants. The letter of the law, too, has undergone far more frequent changes in Ireland than in England. It has been changed by statute to a certain degree in England, sometimes in the interest of the landlord and sometimes in that of the tenant. I have seen it stated—and it has not been contradicted—that during the reign of George III. alone, while some half-dozen Bills were passed affecting land in England, 60 Acts were passed in Ireland, every one of them being more stringent on the tenant and more favourable to the landlord. That being the state of things with regard to the law, how is it as to its administration? In this country we have various customs in various counties—in Lincolnshire, Yorkshire, Derbyshire, Surrey, Kent, and, I believe, several other counties—which have been recognized by the Judges of the land. In all cases it has been the continuous disposition of Judges in this country so to administer the law as to mitigate its severity when it bears against the tenant. Exactly the reverse has been the case in administering the land law in Ireland—a law which already, in the minds of the Irish, was connected with confiscation and with the Penal Laws—for the law has been administered with so much severity that more than one Judge has openly deplored the necessity, owing to precedents which he was bound to follow, of administering injustice from the Bench.

My Lords, before I go further, I may, perhaps, venture to give your Lordships some account of the attempts which have been made at various times to correct these defects in the land law of Ireland. It is now 35 years ago that Mr. Sharman

Crawford introduced a Bill of a limited character, applying only to tenants holding leases, those leases having been given not on commercial principles, but chiefly for electioneering purposes; and I believe there is little doubt that the giving of those leases in large numbers for this purpose, and their being afterwards withheld, strengthened in the Irish mind the notion of tenant-right. Subsequently—indeed, during the whole period that he remained in Parliament—Mr. Crawford, in conjunction sometimes with distinguished English or Irish Members, resident landlords like himself, introduced no less than 11 Bills on this subject; and it is worthy of remark how the subject grew in his hands, and how the scope and strength of the Bills increased. At his death the work was taken up by Mr. Serjeant, afterwards Mr. Justice, Shee. Notwithstanding his high character and eloquence, Mr. Serjeant Shee, by the concessions which he made from time to time, lost the confidence of those whom he represented in Ireland, while he seemed to excite still more the opposition of those who were his opponents in this country. To him succeeded Mr. Moore, and then Mr. Maguire, who is now alive to see what I hope will be the achievement of what he has so long striven to procure for the tenant. In addition to the Bills I have mentioned, I believe the only other Bills—two in number—brought in by individual Members were introduced in this House, one of them by the noble Marquess (the Marquess of Clanricarde), on which great pains were bestowed by several eminent Members of the House, but which I think your Lordships will all feel was not, and under present circumstances could not, be an adequate settlement of the question. The other was a measure recently presented by the noble and gallant Earl (the Earl of Longford), the late Under Secretary for War; and which—though, of course, I do not admit it to be a worthy rival of the Bill I am now submitting to your Lordships for second reading—recognizes, I am glad to see, the right to compensation of an out-going tenant for goodwill. Leaving now the Bills introduced by private Members, I will now refer to the various attempts made to settle the question by successive Governments. The first of these was brought in by Sir Robert Peel's Administration in 1845, and was introduced into this House by the late Lord Derby, then Lord Stanley. It was consequent upon the state of affairs disclosed by the inquiry of the Devon Commission, and was based upon those different circumstances of England and Ireland as to customs and improvements which I have already mentioned. The Bill contained a provision that the tenant should be compensated for the improvements he might make, and that in some cases he might make them without and contrary to the consent of his landlord. In the following year Lord Lincoln brought in a Bill which substantially contained that provision, which—perhaps with the view of making it more clear and comprehensible to the Irish mind—was curiously called a compulsory agreement. The belief in tenant-right was much strengthened in the minds of the tenants of Ireland by the effect of the application of a section of the Lands Clauses Act, which decreed compensation to a tenant who was turned out for the purpose of making a railway, for the term of his unexpired interest, for the reasonable compensation which he would receive from an incoming tenant, and also for the loss and injury which he might sustain by eviction. The next Bill, I think, was that of my noble Friend below me (Lord Athlumney), who at the time he introduced it was Sir William Somerville, and Chief Secretary for Ireland. His Bill contained, in some slight degree, advances over its predecessors, inasmuch as it was the first which dealt, though very tenderly, with retrospective compensation. The question became much greater, and, in 1852, Lord Derby's Government, with the assistance of Sir Joseph Napier, introduced a Bill which, in the fullest degree, adopted the principle of retrospective compensation. The following year a Bill, substantially akin to it, was introduced into this House by the succeeding Government, and was allowed to pass the second reading, on the understanding that it was not to proceed further that Session. The next year it was re-introduced, and was rejected by your Lordships by a large majority. I am not aware that after that there was any attempt at legislation on the question until a Bill was introduced by Mr. Cardwell in 1860—a Bill which passed both Houses and became law, but one which has had no practical effect, partly from defects in its machinery, but also, I believe, because some of the circumstances which facilitated its passage through the two Houses prevented its taking a firm grasp of some of the most difficult questions connected with the tenure of land in Ireland. To remedy those defects Mr. Chichester Fortescue, in 1866, introduced a Bill which I think some of your Lordships, who are strongly opposed to legislation on this subject, and possibly to this Bill, regret did not receive greater consideration. Lord Mayo, under Lord Derby's Government, rather strengthened the provision with regard to improvements by tenants contrary to the wishes of the landlord, and proposed an advance of money to enable them to make improvements. There was another Bill under the same Administration which was not presented to Parliament, and of which there are no traces in the Irish Office, so that I am unable to speak as to the provisions it intended to introduce. To finish the somewhat monotonous catalogue of Bills which have failed, I now arrive at the time when Her Majesty's present Administration was formed, and when they gave a pledge to the country that they would make another attempt to settle this difficult and important question. Your Lordships will, no doubt, remember that last year Her Majesty's Government were much pressed, and particularly in this House, to state distinctly their views as to the character of the measure they proposed to introduce, and that I had several opportunities of stating distinctly that we should not adopt the wild, violent, and revolutionary measures which some agitators had proposed; but that at the proper time we should introduce a Bill based on the principle of just compensation to the tenant, while maintaining the proprietary rights of the landlord. My noble Friend on the Cross Benches (Earl Grey) was good enough to say that those declarations were as much as the Government could make in a general way; and he also expressed an opinion, in which I very much agree with him, that no such declarations could be satisfying unless they were embodied in a Bill. Well, my Lords, at the time that remark was made, I stated that I thought it would be a most difficult thing for the Government to introduce a Bill last Session on this subject; and I own—though it was most natural for some of your Lordships to press for it, and though I admit that, had it been possible, it was in every respect most desirable that a Bill to settle the question should have been introduced a year earlier than the present—subsequent experience has convinced me that it would have been almost impossible. I do not know whether your Lordships will agree with me; but my belief was that at that time public opinion, both in England and Scotland, was not sufficiently ripe to consider the question with a view to legislation. Moreover, notwithstanding the discussion which went on all the autumn; notwithstanding that great amount of information which was afforded; notwithstanding the immense amount of information that had been collected, read, and digested by the public, particularly by Members of Parliament; notwithstanding the fact that the Bill of the Government upon its introduction was received with great cordiality by the House, yet the number of Amendments that have been proposed to the Bill, and the length of time which it has taken to pass the Bill through that House, have confirmed my impression that it would have been physically impossible last year, had a Bill been introduced here, to pass it through the other House. But I go still further, and I say that, whether I am right or wrong in that conclusion, I am perfectly certain it would have been impossible for the Government, under the pressure of other and really necessary legislation, to have framed a Bill which they could, with honour and satisfaction, have presented to the public. They might, indeed, have done that which they were determined not to do—namely, have introduced a Bill adopting fixity of tenure, taking away his property from the landlord, and establishing a valuation rent. They might thereby have excited in Ireland—at all events, for the moment—an enthusiasm which would have made reasonable legislation impossible. They might, too, have presented a small, limited, and feeble Bill, which, so far from settling the question, would most assuredly have excited a feeling of indignation and injustice which it would have been difficult to appease. It may be invidious to pay a compliment to my own Colleagues; but, having been a Member of several Administrations, I may venture to say that on no measure whatever have I ever seen the same amount of time and labour expended as on this. I speak of the labour not only of the Irish Government or of the Prime Minister, but of all the Cabinet, individually and collectively, in framing the Bill, and in trying to solve the problem of making it fair to the tenant without being unjust to the landlord.

My Lords, as the provisions of the Bill are perfectly well known to your Lordships, I need not dwell upon them in detail; but it may, perhaps, not be disagreeable to your Lordships if I explain the main principles of its enactments under a few general heads. The Bill applies solely to agricultural and pastoral holdings, exclusive of demesne lands, labourers' holdings, and certain other temporary lettings. Its primary object is to give—first, to tenants who may be disturbed by their landlords, although willing to pay their rent, compensation for "occupation value" or the loss which the Court may find the tenant has sustained in being forced to quit his holding; secondly, to secure to tenants quitting their holdings, whether disturbed by their landlords or not, compensation for improvements made by them or their predecessors in title. In the Province of Ulster, and in any other part of Ireland where a like custom prevails, the tenant is permitted, but is not obliged, to claim compensation according to the custom, and if he makes such claim, it will be understood to include compensation for occupation value and improvements, and he will be debarred from making any other claim under the Act which he might otherwise have preferred. Where no claim is made under a custom the compensation for occupation value is assessed according to a maximum scale, the amount being in inverse proportion to the value of the holding, and in no case to exceed £250. The value of the improvement is settled by the Courts. In every case of application to the Court, the Court may consider its equitable aspect, and may award compensation, having regard to the conduct of landlord and of tenant; a tenant whom the Court decides to be entitled to compensation cannot be forced to quit his holding till the amount of compensation awarded has been paid to him, or till the payment has been secured by the lodgment of a sum in Court. Supposing, however, the tenant to be indebted to his landlord for rent, breach of covenant, or otherwise, the sum due to the landlord will be set off against the compensation due to the tenant. In addition to the compensation for occupation value and improvements, every tenant, in the absence of any agreement in writing to the contrary, is entitled on quitting his holding to his away-going crops, or, at the option of the landlord, to be paid the value of the same. Where a claim is made under a custom, the custom, as in the case of all other compensation, is assumed to include the compensation for away-going crops. This is really the pith of the Bill. The requisite machinery is, of course, provided. When any question arises between landlord and tenant, the parties may either refer it to arbitration—which, I believe, is a mode of settling differences which is not unusual or unpopular in Ireland—or they may bring it before "the Court." In the case of arbitration, the arbitrator, or arbitrators, with an umpire, are constituted the Court of Arbitration, and will have the same powers as to awarding compensation as the Civil Bill Courts. The Court taking cognizance of disputes under the Act between landlord and tenant will usually be the Civil Bill Court—which, I understand, is equivalent to what in England we should call the paid Chairman of Quarter Sessions, sitting, in effect, as Judge of a County Court. An appeal from an order of the Civil Bill Court is provided in Dublin to two Judges of the Superior Courts, and in the country to two Judges of Assize. The limitations of the Bill with respect to compensation for occupation value or improvements are necessarily of a more complicated character. The following persons are excluded from any right to compensation for occupation value:—1st, tenants ejected for non-payment of rent, or having quitted their holdings voluntarily—subject to a decision of the Court in favour of ejected tenants paying exorbitant rents at the time of the passing of the Act; 2nd, existing leases in all cases—that is, being so at the time of passing the Act, and future leases for terms of not less than 31 years; 3rd, existing tenants from year to year of holdings of a rateable value of more than £100; and, 4th, tenants subdividing or subletting their holdings without the consent of their landlord, with a qualification for certain sublettings for cottages or gardens to labourers *bonâ fide* required for the cultivation of the holding. Thus, the persons entitled to compensation for occupation value will be—1st, existing tenants from year to year of holdings of a rateable value not exceeding £100, who have been turned out by their landlords for some other cause than non-payment of rent; and, 2nd, future tenants of holdings for a term of less than 31 years, who have not violated the provisions of the Act against subdividing or subletting, and have been turned out by their landlords for some cause other than non-payment of rent. With regard to limitations as to improvements, they are of two classes. Certain persons by reason of the nature of their tenancies are prohibited from making any claims in respect of certain improvements, and certain improvements are excluded from the list of improvements in respect of which a claim can be made. A leaseholder for 31 years is not entitled to compensation, except in respect of permanent buildings or reclamation of land and unexhausted tillages. An existing tenant, moreover, is not entitled to compensation in respect of any improvements his title to which is excluded by contract. And no tenant whatever is entitled to compensation in respect of any improvements which his landlord has undertaken to make, except in default of the landlord, or in respect of improvements which the tenant has undertaken to make for a valuable consideration, or has undertaken in writing not to make. A tenant having claimed compensation for occupation value cannot also claim for improvements in cases where his holding exceeds £10 rateable value, and where he has claimed more than four years' rent, or where his holding does not exceed £10 rateable value, and he has claimed more than five years' rent. There is likewise a provision that no improvement made 20 years before the passing of the Act can form the subject of a claim, unless it consists of permanent buildings or reclamation of land. A landlord cannot by contract prevent his tenant from making improvements necessary for the proper cultivation of his holding; but power is given him to prohibit an existing tenant from availing himself of his possession of the estate to make improvements to be paid for by the landlord, though calculated to diminish its general value. I hope your Lordships will observe that the landlord may divest himself altogether of the necessity of paying for improvements where the tenant quits his holding of his own accord, by giving him permission to dispose of his interest in his improvements to the in-coming tenant on such terms as the Court deems reasonable. A further stipulation in respect of improvements is made by the enactment that all improvements in the holding, with certain exceptions in respect of improvements made before the passing of the Act, shall *primâ facie* be deemed to have been made by the tenant. The Bill imposes a charge on the landlord for improvements, even when a tenant quits his holding voluntarily. To prevent this being oppressive to the landlord he is empowered to borrow the amount of the Commissioners of Works; and the sum so borrowed is to be repaid by an annuity imposed as a first rent-charge on the land. The only remaining part of the Bill with which I need trouble your Lordships refers to the sale of land to tenants. It is provided that a landlord, being tenant for life, or having a greater estate, may sell any holding to the tenant, the holding passing to the latter free from encumbrances. Money is paid into the Court, and is distributed, free of cost, among the persons entitled to it. The tenant, on the deposit of one-third of his purchase-money, may borrow the balance from the Commissioners of Public Works, to be repaid by an annuity in a period of 35 years.

Such, my Lords, are the main, and indeed all, the essential provisions of this Bill. Your Lordships will observe that it is founded on the assumption that the great bulk of the Irish tenants are incompetent to contract for themselves, and that they require some protection from the law. Your Lordships will see that, in trying to deal with the evil, we have not proceeded on any ambitious theory, or tried to strike out any new plan; but, recognizing the evil, we have tried to remedy it with as little disturbance, and as little change, as possible. We have tried to find examples and precedents in Ireland itself which may serve as an antidote to the evil which we lament; and I think we have found them, first, in the customs which undoubtedly exist there, and, secondly, in the practice of good landlords, who, I am happy to say, are numerous in different parts of the island. As to the customs, the Bill is very much based on the tenant-right of Ulster. Now, I am aware that there may be objections taken on general principles to that custom; but it cannot be denied that a degree of industry, of agricultural improvement, and of good feeling between landlord and tenant has sprung up in Ulster, which is much more rare in other parts of the country. I dare say it may be alleged that that result is not so much owing to that custom as to the race which inhabits Ulster, and to the consequent manufacturing industry which exists in the Northern part of the island. Now, I will not repeat an argument which was urged at great length in "another place," and which, as far as I am aware, was not answered—namely, that though manufactories undoubtedly, by the increase of wealth, promote the cultivation of the soil in any country, it is not found that the highest average cultivation of the soil exists in the neighbourhood of manufacturing towns—as, for instance, near London, Liverpool, or Manchester. With regard to race, I will not quote ethnological opinions on the subject, though I believe there is no doubt that in the most disturbed part of Ireland the inhabitants are not Celts, but belong to a race which, under other circumstances, is particularly amenable to good government. If your Lordships will look at one of the recently published letters of one of the least excited statesmen I ever knew, Sir George Lewis, you will see an admirable exposure of the fallacy that the evils of Ireland are to be attributed to race. As to the advantage of tenant-right, I can conceive nothing more conclusive than two statements made in this House last year. One of them, to which I have already referred, was made by a man of great wealth and intelligence, who, after giving for 40 years his personal superintendence to the management of his estate, and laying out much money upon it, had not increased his rental. The other was made by a noble Earl sitting behind me, who said that his family 40 years ago introduced the Ulster tenant-right into a part of the country where it had not previously existed; that during those 40 years they had not spent a farthing in improving the estate, but that the happiest relations existed between landlord and tenant, and that the rent was double what it was 40 years ago. What is the explanation of this contrast? I have heard nothing which clearly explains it, except that there is something in the principle of tenant-right which is congenial to the traditions, to the spirit, and to the ideas of the Irish tenantry, and that, though not fixity of tenure in the slightest degree, it gives them a feeling of security which excites their industry, by which industry both they and their landlords largely benefit. When the Bill was first framed we thought much might be made of other customs which exist in other parts of the country; but, as we went on, we found it was difficult to adopt these, and subsequent discussion in the House of Commons showed that that part of the work must be abandoned. What we have done, therefore, for those persons who cannot claim under the Ulster or similar customs, is to adopt those general provisions which I have described, and which we think will make capricious eviction more difficult, and thus give them a feeling of security. Should eviction nevertheless occur, the tenants will obtain compensation for improvements and for the loss sustained by such ejection. I feel that I have been exceedingly feeble in the statement of only a few arguments in favour of the course which we have adopted. I should have liked much to anticipate some of the objections which may be made in the course of debate; but I feel some difficulty in anticipating what the character of those objections will be. I have no right to assume that those or some of those offered in "another place" will be urged here. On the one hand, I do not think it likely that your Lordships will exercise any great pressure, as many Irish county and borough Members did, to induce the Government to go very much further than they were willing to go—which pressure your Lordships, I think, will observe the Government resisted with great firmness and determination. On the other hand, I should be sorry to anticipate any attempt on the part of your Lordships to prejudice the position of the tenant and improve that of the landlord. I have, therefore, looked back to see what objections have generally been made in this House when this subject has been discussed, or when Bills have been brought forward on previous occasions, and I find that they are mainly these—I find that retrospective compensation has been objected to, as *ex post facto* legislation. Now, I admit that nothing can be worse than *ex post facto* legislation. Whether in criminal or civil matters, it is a principle from which we should all shrink: and the one thing which enables me to defend it in the present instance is the general concurrence that it is not only expedient, but almost necessary, that you should deal with past improvements by the legislation which is only now beginning. Indeed, a leading Member of the Opposition declared in the House of Commons that retrospective compensation was alone sufficient to oblige him to agree to the second reading of the Bill, whatever other provisions there might be in it; and I feel that, after the general admissions and acknowledgment, first of all pointed out by the Devon Commission, and afterwards endorsed by successive Governments, of the injustice to the tenant of giving him no property in the improvements he has made, Parliament, having neglected during those years to remedy that injustice, is now bound to make that reparation that is so necessary and just. I am sure, moreover, that if 11 years ago a Conservative Government thought it right to propose retrospective compensation and *ex post facto* legislation for this purpose, it is absolutely clear that the obligation is ten times stronger on the present Government and the present Parliament to do this tardy justice. When Lord Derby first introduced a Bill, great blame was thrown on Sir Robert Peel and his Colleagues for having appointed the Devon Commission, and so agitated a matter which should have been left quiet. I cannot contemplate that your Lordships will raise that objection, for I am convinced that nobody here sitting on a barrel of gunpowder would think that keeping it dry and warm was the best way of avoiding an explosion. As to the interference with freedom of contract, I do not know whether the objection will take the common-sense or the legal form. If the former, your Lordships must feel that the Bill proceeds throughout on the theory of the incompetency of the bulk of the Irish tenants to make free compacts for themselves. Withdraw that principle, and the Bill would be a complete sham, and would have no effect whatever. If the objection is a legal one, I confess I shrink from entering into a discussion of it in which I am likely to be followed by noble and learned Lords; but I own I do not understand how interference with freedom of contract, *per se*, is contrary to the principles of our law. There are instances in which the law steps in and interferes with the freedom of contract. A shipowner is subject to such interference, with regard to taking on board his vessel persons who, in other respects, are quite competent to enter into a contract. That restriction is a perfectly wise one; and it is one of many instances showing that it is no positive principle of the law to forbid interference with freedom of contract. But I am not confined to a solitary instance. As an employer of labour in the Midland counties, I believe I should not only derive a certain amount of profit, but should confer a certain amount of advantage on my workmen if I were to supply them with a portion of their wages in goods, which, buying in larger quantities, I should procure better and more cheaply than they can. They being adults, I could freely contract with them for that purpose. Owing, however, to the abuses of the truck system, Parliament most properly stepped in and prevented that arrangement. I am obliged to pay my workmen in money; and, in consideration of the general good, I am precluded from doing what in many cases would be beneficial to both parties. I believe the law is a good one, and I am only afraid it is too often evaded. It clearly shows that the public good is not inconsistent with interference with freedom of contract. I may mention one other case—for this is an important point, which, I think, has been misunderstood out of the House. A few years ago I wished to make, in the interest of a relative, an arrangement with a Friend, based on his title to a reversion. He was a man of my own age, and of great intelligence. I went to a learned friend and asked whether there was any difficulty. He said there was none if I could trust to the character of my friend; but that, if asked as a lawyer whether it was safe, he must tell me that there was the greatest possible difficulty, for though my noble Friend was as competent as anyone to make a free contract, the jealousy of the Courts with regard to reversioners was such that I should probably find myself without a legal remedy. He mentioned to me—what, of course, I knew before —the numerous cases in which freedom of contract is interfered with between attorneys and clients, guardians and wards, in which, for the sake of the public good, persons were deemed by the Courts unable to take care of themselves; an assumption, often a false one, on which this principle of the law seems to be founded. I could point to cases of which I am personally cognizant; but I venture to give one which may affect us all this evening. I think it possible that on the adjournment of the House the supply of cabs may be less than the demand. Suppose one of us were to attempt to get an advantage of his brother Peers, and were to promise an intelligent, middle-aged cabman 5*s.* if he would take him home in his hackney carriage—the cabman might be willing to trust one's honour, but the bargain would be absolutely void in law, although in other respects the two parties might be perfectly competent to contract together. Another point which has always been urged when a Bill like this has been sought to be introduced is that it would damage and injure the landlord. My Lords, I will answer generally that my firm belief is that there is no one person so interested in this measure as the proprietor of the soil, if it be, as I think it is, really calculated to promote good relations between tenants and landlords—if it be, as I believe, likely to increase the prosperity, the peace, and the order of Ireland, and to mitigate that system of intimidation to which I have previously referred. It is impossible on these subjects to prophesy; but I am glad to be able to bring to your Lordships' attention one fact contained in an extract from a letter received only yesterday, which I think has some bearing on the probable future effect of this Bill, if your Lordships agree to it, on the value of Irish estates. It relates to the effect which the announcement of this Bill, and the probability of its passing, have had on the value of land sold in the Encumbered or Landed Estates Court of Ireland. The Judge of that Court was asked by my noble Friend the Lord Lieutenant whether the introduction of the Bill had operated injuriously or otherwise upon the value of land in Ireland; and the extract in answer to that question which I will read to your Lordships is as follows:—

> "I may say with perfect certainty that, forming a judgment from the actual working of the Landed Estates Court, the selling price of Irish land has been higher since the Land Bill has been introduced and discussed. The Landed Estates Court did not press parties to sell when time was asked on the ground of uncertainty of the law; but when properties were brought to sale (necessarily below the average), the prices realized were higher than at former periods. In no way has it appeared that any deterioration in the value of property has occurred. Private offers for the sale of land have been made to the Court and approved, and in all cases have been at rather higher prices than were usual at sales; and no application has ever been made to the Court to accept an offer on the ground that the land law contemplated, or, in course of being passed, rendered it prudent to accept the offer."

My Lords, I think that testimony is satisfactory, as far as it can have any bearing on this matter. [The Earl of LUCAN asked by whom the letter was written.] It comes from the learned Judge Lynch, who presides over the Irish Landed Estates Court. I freely admit it is a matter of opinion whether this Bill is likely to be beneficial to the landlord, and I know that in the conviction of many of your Lordships it will be absolutely the contrary. But on this point I should wish to make one remark —because I believe very few of us will not agree that the Bill does contain very valuable provisions in favour of the Irish landlord. I think that Parliament has something to answer for in the delay that has occurred in legislating on this great and important question. But I will say that, at the present moment, that has happened which, I think, is creditable to the governing classes of this country. By the House of Commons—the great majority of which are, I believe, either landlords themselves or persons closely connected with those who are—the Bill has been received with great cordiality, and passed with the support of large majorities. And now, sitting in this Assembly, in the midst of some of the greatest landlords in England, Scotland, and Ireland, I feel a sanguine anticipation that your Lordships will assent to the principle of, and give a second reading to, the measure I now venture to ask you to adopt. There is a closing passage in the Report of the Devon Commission in which it canvasses the respective opinions of those who think that legislation can do everything in this matter, and of those who think that legislation can be of no avail. I believe the Commissioners were right in coming to the conclusion that while legislation can do an immense amount of good, to do so it must be supported by the general co-operation of the community at large in that island. My Lords, I cannot conceive of anything which will give a greater impulse to that good spirit and that wish to co-operate than that this House, composed as it is pre-eminently of landlords, should consider, discuss, and decide this question, as I most confidently hope it will, not only in a just, but in a large and generous spirit towards the tenantry of Ireland.

My Lords, I will now only thank you for the indulgence which I did not venture to claim, and which you have accorded to me in so singularly gracious a manner.

*Moved,* "That the Bill be now read 2ª."—(*The Earl Granville.*)

The Duke of RICHMOND: My Lords,—My noble Friend (Earl Granville), in the course of his speech, has put one or two questions to me with which, before I enter on the few remarks that I wish to make on the present occasion, I had better deal. In the first place, my noble Friend, in that portion of his remarks in which he dealt with the question of freedom of contract, asked me what I should do, if I were at the Board of Trade, with the adult ship-master and the adult sailor. My noble Friend will, I hope, forgive me for saying that I do not think the subject of landlord and tenant in Ireland is at all upon all fours with such a case; and I am sure he will not think me discourteous if I decline to enter into the case of the adult shipowner and the adult sailor, who have no more to do with the question under discussion than the "intelligent foreigner" who is not seldom brought under our notice. No less than three times within the last 12 months your Lordships have been asked to consider great measures of exceptional legislation in regard to Ireland, and the reasons given for introducing them have always been that an exceptional state of things exists in Ireland; that the circumstances prevailing there cannot be found either in England or in Scotland, but that the condition of affairs in Ireland is such as renders it absolutely necessary that such measures should pass—and that such measures cannot be applied to England. Some 10 months ago your Lordships were asked to pass a Bill for the disestablishment of the Established Church of Ireland, and we were told on that occasion that that change was to be the harbinger of a better state of things—that Ireland was by its means to become prosperous and contented, and that, after the Church had been disestablished, further measures would follow which would greatly improve the condition of that country—in short we were taught to expect that a new era as regards Ireland was about to be ushered in. But what has taken place? Have these hopes been realized? So far from there being a better state of things in Ireland since the disestablishment of the Church, your Lordships, within the last four months, have been invited to pass probably one of the most stringent and most coercive measures ever inscribed in the statute book of this country. That measure must be so familiar to the minds of your Lordships that it is perfectly unnecessary for me to specify its provisions in order to show you how stringent and coerceive it was. It is sufficient for my purpose to say that it was brought forward and supported upon the hypothesis that such an exceptional state of things existed in Ireland as called for such peculiar and exceptional legislation. And now the Land Bill is introduced, and supported by similar arguments as in the former cases, based upon the peculiar circumstances of Ireland. My Lords, I am not prepared to assert that this is not so:—I am not prepared to assert that the state of things with regard to the land question in that country is not exceptional; but I do say we ought to take very great care that, in legislating for this exceptional state of things, we are not too ready to adopt a species of legislation which may be hereafter brought forward as a precedent and reason for applying similar measures to other portions of Her Majesty's dominions. And, my Lords, I think I am justified in making that remark, because within the last few days I find that an hon. gentleman, when appealing for the suffrages of a large portion of an English county—I refer to Mr. Paget, who stood as a candidate for a division of Leicestershire, and who put himself forward as an ardent admirer and supporter of Her Majesty's Ministers—stated that he thoroughly went with all the measures they had brought in, and more especially praised their Bill for dealing with the Irish land question, observing that, as soon as that Bill should have become law, he saw no reason why a similar measure should not be applied to England—on the contrary, he saw every reason why it should be applied to England, because, he said, the case of the tenant in England is like the case of the tenant in Ireland, and if you protect the one against the landlord you ought also to protect the other. My Lords, I do not assent to the argument urged by that gentleman; but it shows that there is danger in some questions of this exceptional legislation being regarded as worthy to be made the rule. I confess I agree to a certain extent with what was said by my noble Friend opposite—that the circumstances which exist in Ireland, impelling us to legislate in a certain manner, do not prevail in either England or Scotland. Therefore, in any course I may take in regard to this Bill, I wish to guard myself particularly against being thought to admit that anything which may be done by the Bill with regard to landlord and tenant in Ireland can be applied in any way to the case of landlord and tenant in Scotland or in England. My noble Friend asked, towards the close of his remarks, what view was to be taken of the Bill now under consideration, and he put it that there were two ways of viewing the question—the one the common-sense and the other the legal view. My Lords, before I conclude the few observations I have to offer, I think I shall be able to show that a portion of the Bill, at least, is worthy of condemnation alike on the common-sense and the legal aspect of the question. There are, I think, three points to be considered in this discussion. The first point is, the state of things which renders such a Bill necessary; the second is, whether the Bill itself really meets the difficulties which my noble Friend suggested; and the third is, whether it does not in some of its details go beyond the absolute necessity which requires its introduction.. As to the Ulster tenant-right provided for by the 1st clause of the Bill, and those other analogous customs which are dealt with in the 2nd clause, I do not think that any Government would hold themselves bound to bring in a Bill simply to legalize customs which, by the course of time, have now in all respects the force of law; and, therefore, in considering the necessity for this measure, we may put the whole Province of Ulster out of the question. But if the Bill is wanted—as my noble Friend opposite has put it, though he has gone in that respect rather farther than I should be prepared to go—to protect the Irish tenant from capricious eviction, and from having his rent arbitrarily raised from time to time, and the landlord from appropriating the benefit of the tenant's improvements, that is a different matter. My noble Friend said that the bulk of the Irish tenants are quite unfitted to make contracts for themselves, and that, therefore, it was necessary to frame a clause which would protect them from being capriciously evicted without compensation, and which should also provide ample remuneration for improvements they may have made. Now, my Lords, I think my noble Friend has done the Irish landlords as a body some injustice. I know he said that a great proportion of the Irish landlords were good landlords; but he also said that the bulk of the Irish tenants were unfitted to make bargains for themselves, and must be protected. If the Irish landlords were good landlords, I think the necessity for this Bill is not made out. But I want to show to your Lordships and to the country, that which I think ought to be shown clearly—namely, that the bulk of the Irish landlords—I am taking them now as a large class—do not treat their tenants in a harsh or unjust manner. If your Lordships will forgive me for quoting from a book which has been procured at the instigation of the Government—I mean the Report of the Poor Law Inspectors—I think I shall be able to make good my position, that for the great bulk of the Irish landlords, and that for the great bulk of the Irish tenantry the proposal of Her Majesty's Government is not absolutely necessary. I do not wish to assert, however, that any injustice, though operating on however small a body of the people, is beneath a remedy. I do not mean to assert that if there is any injustice done to any portion of the tenantry of Ireland, they should not be protected by legislation—if any injustice is inflicted I think it the duty of Government to find a remedy—but what do the Poor Law Inspectors say with reference to the general conduct of the Irish landlords? Mr. Hamilton, speaking of the Northern counties, Donegal, Cavan, Fermanagh, Leitrim, &c., says—

"There are not many instances of tenants losing altogether the value of improvements effected at their own expense through eviction or disproportionate increase of rent; but there are, undoubtedly, such cases."

He goes on to say—

"So far as I can learn, notices to quit are, throughout my district, of rare occurrence. It is, however, the usual practice to resort to such notices on the occasion of a revaluation of an estate, with a view to an increase of the rental, or when the occupiers are disputing and quarrelling among themselves about the boundaries of adjacent farms, &c., and the landlord or his agent wishes to adjust and determine the matters in difference between them."

He then quotes a statement of Major Ellis, Chairman of the Omagh Board of Guardians, an extensive land agent in Tyrone, to show the advantage to be derived from a judicious exercise of this power. Major Ellis says—

"Tenants are never evicted, but notices to quit are often served—generally to enforce the award of the landlord or agent in the oft-recurring cases of disputes brought before them. These disputes are, for the most part, as to boundaries and fences, and rights of turbary. I hold courts periodically to settle these cases: the tenants willingly submit them to my award; but in many instances the party against whom the decision is given would not abide by it, if I had not the power of enforcing it by notice to quit. Should such be taken away, it would be essential to substitute some other in its place, or else the disputes would either be left unsettled or recourse must be had to the superior Courts in trifling matters—a course which would be most expensive to small tenants."

Mr. Horsley, speaking of Kerry and parts of Cork and Limerick, says—

"Any reclamation that has taken place has, almost without exception, been the work of tenants alone, and, in most cases, of tenants-at-will, who invariably expect—an expectation in which they are seldom disappointed—that they will be left in undisturbed possession of their holdings, without any increase of rent, for a sufficiently long period to compensate them fully for their labour and capital."

He goes on to say—

"Although this class of tenants are positively without any legal security for receiving fair and proper treatment at the hands of their landlords, in practice, so far as my district is concerned, this precarious position is more imaginary than real. Scarcely any well authenticated cases of oppression or extortion on the part of landlords towards tenants-at-will have been brought under my notice within the last 12 years, and happily 'notices to quit' are now very rare, and only resorted to in extreme cases. . . . Although, as already stated, tenants-at-will possess no real security for the value of the improvements made by them, it has been customary for landlords in my district to deal fairly with holders of this class whenever they wished to surrender their farms with a view to emigration or an abandonment of agricultural pursuits; and I am not aware of any instances where—except in the case of a change of owners of property—the landlord has closed upon or appropriated to his own benefit the value of unexhausted improvements; nor has it, so far as I can learn, been the practice of landlords in my district to raise the rents of tenants-at-will on account of the enhanced value of their holdings, derived from their own skill, labour, industry, and capital."

I only quote these extracts, because I believe there is a general feeling in some parts of the country that this Bill is necessary because all Irish landlords are tyrants, and all Irish tenants slaves. But, my Lords, it is nothing of the kind; and these passages will bear me out when I say that the Irish landlords as a class are inferior to no other class in Her Majesty's dominions. Mr. Robinson, reporting on Wicklow, parts of Carlow, Dublin, and other Eastern counties, says,

"There is not much money laid out in this district in the reclamation of waste lands, except by means of drainage; in some places a tenant is given lime by his landlord to improve and reclaim his ground, and when he does so, and cultivates a portion of mountain or cut-away bog, he is usually allowed to hold it for some time at a mere nominal rent, and thus repay himself for his outlay. . . On every estate where the Ulster tenant-right custom is recognized by a proprietor, an understanding of course exists that a tenant, if he leaves his farm, may receive a sum that will compensate him for his improvements; but in other cases the tenant generally incurs the expenditure, trusting only to the justice and fair dealing of his landlord; in the great majority of cases this confidence is not misplaced, for tenants who pay their rent regularly are very rarely evicted, while the revaluation of a farm held at will, for the purpose of raising the rent, is not of frequent occurrence, and when such takes place the value of the improvements effected by the tenant is very seldom added to the rent. I have been informed by two professional valuators, that when they revalue for the purpose of adjusting the rent, it is usual for the tenants to be allowed the full value of buildings, or other improvements, created by themselves. . . . Considering the number of agricultural holdings in this district, there are very few evictions, and these are principally for nonpayment of rent; I find, also, that not much more than half the ejectment decrees that are obtained are executed. Notices to quit are not of frequent occurrence. I am aware that it has been asserted that 'it is the practice on many estates in Ireland, to serve the agricultural tenants from year to year with legal notices to quit, so that they may be every moment at the absolute mercy of their landlords;' but, having carefully inquired into the matter, I do not believe that any such practice exists in this district."

Dr. Brodie, writing of parts of Cavan, Clare, Galway, King's County, and the West centre, says—

> "On many of the larger and well-managed estates, the tenants of a superior class, equally with the smaller tenants, enjoy continued occupancy by descent or succession, and are very generally tenants-at-will. Under some landlords the tenant improves according to his ability and inclination, at his own expense, in the confidence that his occupation will not be disturbed nor his rent increased."

There is one more remarkable passage which I will quote from Dr. Rougham. Speaking of Sligo, he says—

> "The tenants in this county, while they have no exact guarantee that they shall receive compensation for their improvements in the event of surrender, or that they will be allowed the undisturbed enjoyment of the effects of their improvements for a certain definite period, seem to me to have the most implicit reliance on the honour of their landlords. To go through the many instances in which tenants have related the many acts of paternal kindness they have experienced from their landlords is foreign to my purpose. For five-and-twenty years ejectments have not been known on some of those estates. . . . Where improvements have been executed by the tenant at his own cost, there is almost unanimous testimony to the effect that, excepting where he holds by lease, he has no absolute security for his expenditure, no understanding that he will receive a fair proportion in the event of eviction or surrender, no guarantee of undisturbed enjoyment of the effects of his improvements for a certain definite period—nothing beyond the confidence which he places in the character and good faith of his landlord, and the practice of the estate. There is much evidence to the effect of—'the feeling of confidence that they will not be evicted'—'certain not to be disturbed while he pays his rent'—'hope that the landlord, being a good man, may never disturb him'—'the invariable practice of the estate'—'the honour and honesty of his landlord'—'good disposition of his landlord'—'good feeling and liberality of his landlord'—'guarantees do not exist'—'custom does away with the necessity'—usage is the guarantee which the tenant has of not being disturbed'—'occupation' is 'fixity of tenure'—'the practice is to be thankful for a good tenant, and keep him'—'the tenant relies on the honour of his landlord that he will be treated fairly'—'undisturbed enjoyment'—'general custom of not disturbing solvent and improving tenants'—'feel that so long as they pay their rents they have practically fixity of tenure.'"

I will not weary your Lordships by reading any more extracts to show that the Irish landlords, as a class, do not evict their tenants or take to themselves the benefit of the improvements which their tenants have made. No doubt there is a class of holdings in Ireland, those which have been purchased under the Encumbered Estates Court—on which possibly the conduct of the landlords may bear a different aspect. It is very natural to suppose that a man who goes over to Ireland to purchase land as a matter of speculation, who can have no possible feeling of personal regard for the people, and who only desires to get the best return he can for his money—it is natural to suppose that such a man may, in some instances, treat his tenantry in a manner to a certain extent harsh. I believe, according to the book from which I have quoted, that about one-sixth of the soil of Ireland has changed hands under the operation of the Encumbered Estates Act, and I think it is fair that some provision should be made to meet cases in which the tenantry so situated suffer. I therefore admit, with my noble Friend, that some measure is necessary. It is not to my purpose now to inquire what has rendered it necessary—whether it has been brought about by past legislation, or whether it is by the agitation, which has been sometimes extremely active in Ireland, and which has induced the people of that country to believe that they are very much injured by their landlords—a belief which no true friends of the Irish people would have inculcated. But it is not my purpose to go into these topics now: I admit that some legislation is necessary, and that we must deal with an admitted necessity, and deal with it in an effectual and comprehensive manner. I admit the position to be this—that we must so legislate as to protect the smaller tenants in Ireland from the effects of capricious eviction: I am sure the smaller tenants have much fewer grievances than they imagine, but I believe legislation so far to be necessary.

And now, my Lords, I come to the measure introduced by my noble Friend for this purpose. And here I must say that when I first read the Bill I did so with feelings of the greatest amazement; because I venture to say that a more direct interference with the rights of property has seldom, if ever, been brought under your Lordships' consideration. My noble Friend, with that prophetic eye with which he is so often blessed, seeing beforehand what might possibly happen, deprecated anything of what he calls a personal character being imported into the discussion on this Bill. Now, I am always anxious, when I can, to concur with my noble Friend's views, and I am not going to introduce anything of a personal character into the discussion, except what may be absolutely necessary for the purpose of my argument, and that, I hope, in no offensive manner. I read the Bill, I say, as introduced into "another place" with great amazement, because I considered that it did interfere most essentially, and does still interfere, with the rights of property. Whether you have brought about such a state of things in Ireland that it is necessary to legislate in that direction I will not now inquire. I will come to that afterwards. It will be in the recollection of your Lordships that during the last Session of Parliament the noble Marquess now on the Cross Benches (the Marquess of Clanricarde) introduced a measure called the Land Tenure Bill (Ireland), and some debates occurred upon this question; but the noble Marquess was not induced by the conduct of the Government to press his measure through this House. My Lords, at that time another very large measure was under discussion. My noble Friend opposite when he was asked what the Government were going to do with regard to the Irish land question, declined altogether to give us any information. We were told then that the disestablishment of the Irish Church was the larger measure and would occupy so much of your Lordships' attention during the Session that it would be unwise to undertake to deal with so great and important a question as Irish land. They were pressed pretty often on the subject, but they preferred to keep silence. My noble Friend the Secretary of State for the Colonies on the 20th of April used these words—

> "The noble Marquess has himself said he was quite aware it would not satisfy those visionary persons who expect that all the laws of property should be set aside for their benefit. I quite concur with him in that opinion, and I trust that no such law can possibly pass the Legislature of this country."—[3 *Hansard*, cxcv. 1164.]

I was rather struck by the light manner in which my noble Friend has now passed over the remarks he then made. I may here remark that I see the noble Earl the Lord Privy Seal taking notes. I will save him the trouble, because I will tell him exactly what he said on that occasion. The Lord Privy Seal was rather in advance of his Colleagues. In his remarks on that occasion he was rather more incautious, for after saying—

> "It would, therefore, be most improper to attempt by anticipation to indicate the provisions of any scheme which may be brought forward in a future Session,"

he proceeded to say—

> "But I am sure I speak the feeling of my Colleagues when I say that we should not consent to a measure upsetting the rights of property and inconsistent with the just rights which must be maintained throughout the United Kingdom. The sound principles laid down by the noble Marquess must be borne in mind, that while we should endeavour in some way to devise a scheme which may satisfy moderate men in Ireland, recognizing that some different arrangements are necessary there than now exist to secure to the tenant the enjoyment of the money he has laid out, at the same time we ought to take care not to unsettle the rights of property throughout the United Kingdom."—[3 *Hansard*, cxcv. 1181.]

He here distinctly tells us that the object of the Bill which was to be brought in was not to unsettle the rights of property throughout the United Kingdom, and that the tenant would be compensated, not for what is now called "disturbance," but for the money which he has laid out. To that principle I believe no one would object. I, at all events, confess that, for one, I should not. If a man has improved my property it is only right he should recoup himself, and I am sure that all the Members of this House on whatever side they may sit will agree to that. But I do say that in this Bill the Government have gone very much farther than my noble Friend gave us any reason to believe he would do last year; and that may account for one of the statements made tonight by my noble Friend, in which he told us, in praising his own Cabinet for the time and labour they had bestowed upon the measure, that there were many opinions last year which they had to overcome in order to arrive at some definite conclusion. Then on another evening, the 26th of April, my noble Friend the Secretary of State for the Colonies said—

> "At the same time (Lord Athlumney) expressed his great satisfaction with the assurance given by my noble Friend (Lord Kimberley) and myself that we should not propose anything in the least subversive of the rights of property."

[Earl GRANVILLE: Hear, hear!] My noble Friend says, "Hear, hear!" but he will have to explain it much more clearly if he believes that it agrees with this Bill. I have looked at the Bill from the light of those speeches made last year, and it occurred to me while I read that, at all events, those two noble Lords could have had no hand in preparing it

—and that, indeed, the main share of the labour had fallen to the Prime Minister himself, who has told us that he looks upon the measure as one which is to bring happiness and contentment into the country; and he has expressed his belief that it is by this measure, and by this measure alone, that any real good can be effected, and he hopes that it will result in a happy union between Ireland, England, and Scotland. Now, I want to see what was in the minds of the Government when they drew up the Bill. The Postmaster General (the Marquess of Hartington) has taken an entirely different view of the subject from his Colleagues, and a very remarkable one. —He is connected with Ireland by property, and ought to have some knowledge of the country, and he is of opinion that the Bill will make no alteration whatever. He says—

> "I believe, that, in the great majority of cases, affairs between landlords and tenants in Ireland will go on precisely as they have hitherto done. . . . I believe that Irish landlords have, as a body, done their duty to their tenants, while they have, perhaps, put up with more and sacrificed more than any body of landlords in either England or Scotland have done. . . . . I cannot see why the landlords of Ireland, good as I believe them in general to be, should object to a measure which will give to the tenants that sense of security which, in fact, they now possess, but which the acts of a few have hitherto prevented them from feeling."—[3 *Hansard*, cci. 23.]

Well, but if they enjoy security now they ought to be satisfied. If they enjoy security, of what service will the sense of it be to them? For my part I would much rather enjoy the substance than the shadow. Looking at these various and discordant opinions, I cannot think that the Cabinet were altogether at one on the subject.

Now, my Lords, I wish to call your attention to some of the provisions in the earlier part of the Bill—of those earlier clauses which I maintain do interfere, and interfere very seriously, with the rights of property. Take the 3rd clause, which gives compensation in the absence of custom. Take the case of a tenant from year to year. Of course every landlord wishes to maintain the character of his estate and also of his tenants. A landlord feels that the character and intelligence and industry of his tenants reflects credit upon him; and everyone is desirous that his tenants should be good, worthy, and proper men, and men who will improve the agriculture of the district. But suppose a landlord has on his estate a tenant who is a bad farmer, an immoral man, and a pest to the country in which he resides, a man who has not a single qualification which a good tenant ought to have. The landlord says "This man is not a credit to my estate—he is a bad example to everyone round. I will get rid of him." But what does this Bill say? "If you get rid of him you must pay him." When you enact that a landlord cannot get rid of a bad tenant without paying a fine you are, in my opinion, committing a distinct interference with the rights of property. Then take a case of interference with the rights of property which has not yet been put. Take the case of a tenant who is in arrear of rent. He assigns his farm to a third person, who clears off the arrears, and the landlord finds himself saddled with a tenant of whom he probably never heard before, and of whom he knows nothing, except perhaps, upon inquiry, he finds that he is the greatest blackguard in the country. And yet he cannot get rid of a man who became his tenant against his wish without first of all paying for it. I want to put it to your Lordships as landlords whether you think it right or fair that a tenant should be able to hand over his farm to somebody over whom you have no sort of control, and whether it is not a direct interference with the rights of property that you should not be able to get rid of such a tenant without having to pay a sum of money to obtain his removal. And then my noble Friend opposite (Earl Granville) tells me that this Bill is not an interference with the rights of property. Why, if he can say that, he can say almost anything. Now, my noble Friend the noble Duke opposite (the Duke of Argyll) is, I dare say, very familiar with the 19 years' lease in Scotland. With that lease — and I speak more particularly of the North—a Scotch farmer will build houses, reclaim land, convert a barren soil into a fertile holding, and at the end of the 19 years he will be perfectly satisfied with the first offer of the farm at the renewed rent which the landlord may choose to put upon it. But nothing less than the giving of a 31 years' lease will exclude a landlord in Ireland from the operation of the 3rd clause of this Bill. While I am upon the 3rd clause I wish to point out to my noble Friend another most extraordinary provision.

This provision, which is to be found on page 3, says that any tenant in the higher scale may, at his option, claim to be compensated on so much only of his rent as will bring him into a lower class. Under this clause a tenant paying a rent of £41 would be entitled to three years' compensation, or £123; but he may say to his landlord—"I will cease paying you £41 rent, I will pay you only £39," and then he would be entitled to compensation for four years, or £156. I do not think that result could have been intended by the Government, and I trust my noble Friend will see the propriety of altering it. If not, I shall certainly divide your Lordships against what I consider a most anomalous state of things. I will not trouble your Lordships with any remarks on Clause 4, because it has very much reference to improvements made by money laid out by the tenants; but I must call attention to the very extraordinary provision contained in Clause 5. That clause is a most material one; the marginal note is this—"Presumption in respect of improvements." You entirely alter the existing state of things by the operation of that clause. You propose to presume by this Bill that all improvements have been made by the tenant unless the landlord shall prove the opposite. Improvements, I take it at present, belong to some one; you cannot take them at a lump sum, and let the tenant and landlord scramble for them. The tenant may claim them; but if he does, surely the *onus probandi* should be laid on him? He knows what he asks for; he knows where he has laid out his money; he can produce, if he choose, books and bills to substantiate his claim; but you call on the landlord to prove a negative—which is one of the most difficult things any man can be called on to do. I see a great many noble Lords who are connected with Ireland, to whom I might appeal on this point. I have had information given me with respect to one estate in particular, upon which, during the last 20 years, very large sums of money have been laid out in improvements by the landlord. Once pass this Bill, declaring that the presumption shall be that improvements belong to the tenant, and I am told the landlord will not be able to establish his claim in any case whatever. My Lords, that is a strong proof, as far as my opinion goes, that this Bill does interfere with the rights of property; because, if you take away the improvements which now belong to me and give them to someone else, I cannot regard that as anything but a very serious and decided interference with the rights of property. My Lords, I will not trouble you with a longer argument to establish that fact, because the Chief Secretary for Ireland admitted it in the other House of Parliament. He stated, in corroboration of a statement by the hon. Member for Carlow, as follows:—

> "I know perfectly well that what the hon. Member for Carlow (Mr. Kavanagh) said to-night is true—that, under this Bill, the landlord will not be able to do as he wills with his own."

Well, what is that? Is it not interference with the rights of property? Then he says, as a matter of opinion—

> "But I know equally well that these restrictions will be for his own good, as they are for the good of the tenant."—[3 *Hansard*, cxcix. 1448.]

That is the opinion of the right hon. Gentleman. I cannot say that I quite agree with that view—taking away my property and giving it to some one else.

Well, my Lords, these being the views I entertain on the subject-matter of the Bill itself, it has been with some difficulty that I have been able to make up my mind as to the course we ought to pursue on this occasion. I have given the subject my most anxious consideration, and the result I have arrived at is this—that I ought to support the second reading of the Bill. I regret that such a measure should be necessary; but I find, on looking around, making use of all the information open to me, that the Bill is generally, to a certain extent, acquiesced in by a great number of people. The Bill has been thoroughly and fully discussed in the other House of Parliament, and I am bound to say that during its passage through that House the alterations which have been made have very much amended it—the Amendments have been wise and proper; and I think it would be very unwise to ask your Lordships to undertake the very great responsibility that would attach if I invited you to reject this measure. I believe that the Irish landlords as a body, and the Irish people generally, are anxious that it should pass, and I think it would be a very great responsibility to incur the odium, I may say, of rejecting the Bill. Disappointment would naturally prevail during the autumn and winter, and the almost certain result would be that next year we should have to discuss a measure probably worse, if anything could be worse, than the Bill now before us. I shall, therefore, go into Committee, if the Bill is read a second time—which I hope it will be—with a strong determination of introducing such Amendments only as appear to be consistent with the principles on which the Bill is framed; and I can assure my noble Friend that I shall not attempt by any side-wind to upset what may be considered the cardinal points of the measure. I shall ask your Lordships to take the function on yourselves, which I think fairly and properly belongs to you—of criticizing, amending, and, I hope, improving, the measure now under consideration.

Perhaps it may not be inconvenient, although I have been some time addressing your Lordships, if I point out some of the objections I entertain to portions of the Bill. In regard to the scale, I think it might be amended — the lower part of it might be altered; and I have a strong opinion that the clause with regard to cottages should be struck out altogether. I think that clause a very unsafe one. According to that clause you allow a tenant of 100 acres to subdivide his farm into four. He is enabled to build four cottages thereon, into which he may put four of his sons, so that the farm of 100 acres is divided into four farms of 25 acres, with a cottage on each of them; and you have not the smallest reason to suppose that these cottages will be anything better than the common mud cottages which are said to prevail in Ireland, utterly inconsistent with cleanliness, decency, or morality. The effect would be, that the landlord, when he resumed possession of the farm of 100 acres, would find himself saddled with four cottages, which he would much rather had not been built; and, in addition to giving the man money to go out of the farm, he would have to give a further sum to get rid of the cottages, before he could put the farm into a proper state or expect to receive any rent for it. Then, as to the length of the lease which a landlord must give, in order to work himself out of the provisions of the Bill, I think the term proposed is too long. Instead of 31 years

it need not be more than 21 years. I appeal to my noble Friend opposite (the Duke of Argyll) whether any one of his farms in Scotland is let for a longer term than 21 years, and whether the tenants are not perfectly satisfied? In the Lothians, where the farms are more like gardens than farms, the leases do not exceed 19 or 21 years. I think, also, my Lords, some period of time should be fixed and stated in the Bill, the lapse of which should extinguish the tenant's claim to compensation for improvements. There should be a certain term for houses, for lands, and what in the Bill are termed "other improvements." Then with respect to what is termed "disturbance," I think it should be in the power of the Judge to say whether there had been on the part of the tenant a breach of reasonable provisions sufficient to cause a disturbance. The Judge ought to decide that. The landlord and tenant should also have the power of settling matters without going into Court. If a landlord disagrees with a tenant, or if one makes a claim from which the other dissents—as I read the Bill, and as others more learned in the law have read it, it is compulsory on the landlord and tenant to go before the Court, although they may be perfectly willing to agree among themselves, without troubling the Court at all. I shall be prepared with Amendments, embodying all these views, when we go into Committee. Then, I think, some better provision ought to be made with regard to subletting—for instance, there should be some provision, that no holding should be assigned to an insolvent person; that I think essential. And another point, which is also of great importance, is, that the award made by the Judge of the Civil Bill Court should bear upon the face of it all the particulars that he has decided in the case; for if the Judge does not state in his award the reasons which have induced him to arrive at his decision, the person desiring to appeal to the Superior Court will have nothing upon which to found his claim in seeking that the judgment of the Court below may be reversed. Anyone may say — "The Judge has decided against me, I am dissatisfied with that decision, and I wish to appeal;" but unless he has some substantial ground on which to base his claim, how is it possible that justice should be done? The Judge ought also, in my opinion, to be able to decide without a jury. The constitution of this tribunal appears to be peculiar — I certainly do not know a parallel for it in this country — but I am told that the Judge of the Civil Bill Court, before whom the parties are to go, is at liberty— I was going to say to empanel a jury — but to call upon any three persons who may happen to be in Court at the moment, and to ask them to decide the case. That I consider to be a very unsatisfactory state of things. If the Judge is fit to occupy his position in the Court, he ought to be able to decide these questions, and I would far rather leave the matter to him. The clause relating to distress seems to me to have been framed and inserted somewhat hastily in the other House of Parliament ; in fact, it is altogether inconsistent with the principle which my noble Friend lays down, and I am so anxious for his credit, so desirous that he should be in all things consistent, that I will call his attention specially to the point. Clause 66 provides that—

> " It shall not be lawful for any landlord to make any distress for rent due out of any holding held under a tenancy created after the passing of this Act, unless such holding shall be so held under a lease or written agreement, regulating the terms of such tenancy, and giving a right of distress to the landlord."

This is a clause pointing distinctly to a bargain between the parties ; but the ground on which the noble Earl justifies the introduction of the Bill is that the parties are not competent to enter into a bargain at all. It is clear that Clause 66 is inconsistent with everything else in the Bill, which assumes that the Irish tenantry are not fitted to look after themselves at all — the two cannot go together at all — and my noble Friend no doubt will agree with me that to be consistent this clause must be struck out of the Bill. As to con-acre, it seems to me that this most injurious system will require to be guarded with provisions such as were suggested in the other House of Parliament.

I have now to say a very few words with regard to Parts II. and III. of the Bill. I confess that I have the greatest possible objection to both these parts of the measure. I quite understand the principle of money being advanced by the Government for purposes of drainage, of planting, of fencing, and other like operations which will improve, and permanently improve, the face of the country. By so doing you really confer a benefit upon the country. But I cannot conceive how by advancing money to small tenants to enable them to become proprietors you are in any way conferring a benefit on the country. My Lords, I have always thought—and anybody connected with land will be of the same opinion, that large holdings are very much better than small ones. In the first place, a man with a large holding ought to have, and generally has, a larger capital than a man with a limited holding ; he is thereby enabled to spend a great deal more money in his own immediate neighbourhood and district ; and I ask your Lordships whether it is not often known that a gentleman's farm does not pay him, merely because he lays out more money upon it in labour than is actually remunerative ? Thereby, of course, the neighbourhood and people in humble circumstances are benefited, and they accordingly reap much greater advantages where the holdings are large than where they are small. For my own part, I think it would be very impolitic to create such a set of proprietors as this Bill has in contemplation. And I will, with your Lordships' permission, make one quotation from the writings of a gentleman, who has been referred to by the Prime Minister as knowing more about the people of the country and their wants and circumstances than almost any other writer upon the subject. I allude to Judge Longfield, who says—

> " It has been supposed by many that a beneficial change might be produced in the condition of Ireland by creating and keeping up a large body of peasant-proprietors—that is to say, of men holding small farms in fee simple. I shall not enter into much discussion respecting the utility of such proprietors, because I believe it would be very difficult to create them, and impossible to keep them up in such a country as Ireland. . . Where they have long existed they may continue for a little longer and be sustained by habits and feelings traditionary in the families. But such habits and feelings cannot be created by any law, and they are inconsistent with the mental activity of Irishmen. They are inconsistent with railways, penny postage, a cheap newspaper press, and national education. Men will follow where their interests lead them, and in general it is not for a man's interest to be a peasant-proprietor."

I entirely concur in those remarks, and that is one reason why I very much object to the provisions in the second and third portions of the Bill. I am, at the same time, perfectly aware that it may be replied—"This a question much more for the other House of Parliament to discuss; and if the House of Commons, who are the guardians of the public purse, are satisfied to advance money for such a purpose, the House of Lords ought to look leniently on the scheme." But the Prime Minister himself has thrown out that it is quite possible that this may only be a temporary arrangement; and, by a singular coincidence, the very means taken to give effect to the scheme, in all probability, will render it really inoperative. All the money that is set apart to enable tenants to buy land in Ireland, and to repay landlords for their outlay, is the sum of £1,000,000. The rateable value of property in Ireland is somewhere about £16,000,000; and taking that at 20 years' purchase, it would give a total of something like £300,000,000. To purchase all this property, the only fund available will be £1,000,000, or, adding the third, which the tenants themselves are to contribute to the two-thirds advanced by Government, £1,500,000. Accordingly, the very means which the Government take to carry out this project will, I hope, show the utter futility of the machinery which the Bill proposes to bring into operation. But let us consider the working of the plan. A man wishes to purchase land, and the Government will lend him two-thirds of the money necessary for that purpose. He certainly will not be a very provident man who begins by borrowing two-thirds of the money needed to purchase that which he wishes to buy; and, for all I can see, there is nothing in the Bill to prevent the man from borrowing the remaining one-third of the money from somebody else. But having incurred this debt at the outset of their career, I ask your Lordships whether these peasant-proprietors have any chance of being successful in their speculation with regard to land? I am very happy to think that no tenantry with whom I am connected are likely to be in that disastrous state of having no capital of their own and of having borrowed all the capital which they propose to put into the land.

My Lords, I must not further extend these remarks, and I have to apologize for the very unwonted length at which I have addressed you, but deeply impressed as I am with the gravity of the occasion, and considering the extraordinary character of the measure before us, I have felt it my duty to enter into these details in order to justify to your Lordships and to the country the vote which I am about to give. I fervently trust that the results of this legislation may realize the views and expectations of its most sanguine supporters; and if the Bill does put an end to that state of things which has so long disturbed Ireland, if it really does improve the relations between landlord and tenant, and by increasing the general sense of security, gives a stimulus to the agricultural resources of the country—above all, if it terminates that mischievous agitation which has so long delayed all progress in Ireland—then I shall be satisfied at having overcome the objections which I feel to the policy of Her Majesty's Government, and at having voted for the principles which I believe this House affirms in assenting to the second reading of this Bill.

Earl RUSSELL: My Lords, having been for many years consulted in the preparation of Bills which have been introduced for the settlement of the questions between landlord and tenant in Ireland, I venture to intrude upon your Lordships by a few words. I admit that the noble Duke who has just sat down (the Duke of Richmond) has treated the question now before us very fairly, and has pointed out the conscientious opinions which he entertains against the second reading of this Bill. But I confess it appears to me that the noble Duke has looked upon the Bill more from the point of view connected with the rights of property than from the side of the advantages it promises to the establishment of the claims of justice. It appears to me that in this, as in other matters, we must look to the general principles of justice, and ask ourselves whether those general principles are affirmed or otherwise in any measure that may be before us; and, if there be any evils existing arising out of the violation of those general principles, whether this measure be the proper and sufficient remedy for them. Now, the general effect of the Paper to which the noble Duke alluded — the Report of the Poor Law Inspectors of Ireland—which I must say is a very able Paper, and contains a great deal of information, from landlords, from agents, and from tenants—from every class of society in Ireland — the general effect of that Paper gives from so many sources of information very nearly the same account of the state of things in Ireland, and that account is—not that the relations between landlord and tenant are satisfactory, as the noble Duke supposes, but that the tenantry in general are dissatisfied; for that there is among them a prevalent feeling of insecurity; and that the landlords, on the other hand, are menaced in their lives if they dispose of their property in the way they would do if they were free to follow their own will. Therefore I say, that the relations between landlord and tenant in Ireland are highly unsatisfactory, and very different from those existing in this country. The rights of property are talked about; but I will quote from the Paper two cases, relating to different persons. A man had laid out a considerable sum of money upon his farm, and had got the promise from his landlord that he should have a 31 years' lease. But the property fell into other hands; the promise was denied; the money which the man had laid out in building a house was altogether lost; and the Inspector of Poor Law says that he himself saw the materials of the house carried away. Now, I ask if that was fair justice to receive the value of the man's improvements, to pull down his house, and to give him no compensation? The other case is that of a widow who tells her own story—that her husband had laid out £100 on a holding of no great extent, and that he had reclaimed some acres from the bog; but that having some time afterwards given a vote at an election which was not agreeable to the master, as she called him, under whom they lived, they were turned out of their house, and the man died soon afterwards from vexation of spirit. Now, is this justice? Can any noble Lord declare that this is not gross injustice? If you are to respect the rights of property on the one hand, let me ask you on the other to have respect to the claims of justice. I say that it is not justice that a man should be allowed to lay out a sum of money—be it great or be it small—on the land, and that he should then be turned out without a farthing of compensation. A piece of land is the property of the landlord. He can dispose of it in any way he pleases; he can let or lease it for a term of years, or he can let it on a tenancy from year to year; it is in his power equally to let or to refrain from letting the land; but when he has once done that, then I say that the landlord has entered into a tacit compact with the tenant; and the landlord ought not to be allowed to turn the man out of the land which he has cultivated, out of the house which has cost him a considerable amount of labour, and no small sum of money, and then to deny him, without any show of justice, all compensation. Yet such is the law in Ireland. Every man knows that if he gets notice to quit in due course of law and if he comes before the Court of Quarter Sessions to have his case heard, he cannot put forward any claim, nor will he be heard on the plea that he has laid out money or that he has done anything for the benefit of the farm; but the decree will take from him his holding without any compensation. This appears to me to be a failure of justice. The Bills that have hitherto been introduced to remedy this injustice proceeded in conformity with the principles laid down by Lord Devon's Commission, to provide that the tenant should be paid for his improvements, that a regular account should be kept of them, and that he should be entitled to compensation for them; but with regard to the occupation itself—whether that occupation was by a written contract or from year to year—there was no compensation. In that respect all our previous Bills failed—in that respect the present Bill differs from all its predecessors, and in that respect I think it goes in the right direction. I remember that a case was once mentioned in the House of Commons, a great many years ago, where an eviction was carried out on a large scale, and no fewer than 1,100 persons were turned adrift upon the wide world. The eviction took place about Christmas; and when the land surveyor was asked if any person had perished in consequence of it, he replied that he believed a good many elderly persons having no food or shelter had perished. Now, is that justice? Is it consistent with the ordinary relations that ought to prevail between landlord and tenant? The noble Duke says the present relations are satisfactory; but on this point I will read a short extract from the Report of Mr. Brien, who furnishes the following statement of an agent for two large estates in Ulster:—

> "Notices to quit are very rare, except for non-payment of rent; but many landlords would eject with a view to consolidation, dealing liberally with the ejected tenants, but they are prevented by the fixity of tenure which has been established by the Ribbon blunderbuss."

Generally speaking, the character of the Irish landlords is good; but, unfortunately, when one landlord evicts capriciously or for political purposes, then, as the Inspectors state, one or two instances of that sort spread general terror through the district.

In this country there are many estates where the tenants do not choose to ask or accept leases. They go from generation to generation without any lease or written paper, and go on with the most complete security that, on the death of their landlord, his successor will act towards them just as he had done. But is that the case in Ireland? On the contrary, you there hear it repeatedly said—"We have a good landlord, and we are confident that he will not do us any injustice; but we do not know into whose hands the estate may go next. It may go to a person who will take a different view of his rights or his power as a landlord, or to a young man, who, after dissipating his fortune, will find it necessary to sell his land; and we may be turned out without compensation."

If your Lordships will forgive me I will take an historical view of the subject. Let us inquire what was the difference in the internal state of this country at the time of the Government of Cromwell in England and in France at the time of the Great Revolution. I think you will find that in England the gentry—even those who took part in the war with the King and against the Republican party—for the most part continued on their estates. They were allowed to live quietly, and at the time of the Restoration they retained their estates in security; their tenants had continued to pay the rents, and their houses were uninjured. The French historian, however, who describes England at the time of the War of the Roses, says that nothing could be better than the government of this country, for, even in a time of civil war, nobody suffered except those persons who were actually in arms on one side or on the other. But was that so in France? Were the rights of property respected in France at the time of the Great Revolution? Will anyone tell me that the houses of the landed gentry in France—even of those who dwelt in the country—were not destroyed, and that their property was not confiscated and subdivided? What was the cause of the difference? The cause is pretty plain. It was that, from the time of the Wars of the Roses down to the Civil War, the people of this country felt themselves secure in their holdings. And what has been the state of Ireland? Does it resemble the state of England, where the relations of society were established undisturbed; or does it resemble that of France, where the poor peasants were ground to the earth, where—as a Member of the House of Commons expressed it—"they appeared more like ghosts than men," and revenged themselves in a bloody manner? I am sorry to say that the state of Ireland much more resembles that of France than the condition of England. And it is no wonder. Owing to the contests that took place from the time of Elizabeth down to that of William III., and to the opposition thereby created between the proprietary class and the tenants, there has been a total want of confidence between those classes. Circumstances are better now, no doubt, and for a long time I entertained the opinion shared by my noble Friend (Lord Athlumney)—who was then Chief Secretary for Ireland—that the best way for Parliament to deal with the relations of landlord and tenant in that country was to allow the parties to settle the matter between them—for I felt that no legislation could be sufficiently certain or minute to regulate matters which are so delicate and so difficult. I am, however, forced to the conclusion that that cannot be, and that it will be necessary to legislate, because of the state of uncertainty existing between landlords and tenants. Although it is true that there are only a few bad landlords, and although I trust there are not many Ribbonmen who go out to plunder with revolvers, still there are enough of both classes in the country to produce a feeling of insecurity; and where there is that feeling of insecurity, you are bound to legislate. Her Majesty's Ministers have undertaken a great task—they may fail in that task; but, in my conception, it was right they should undertake it, and I believe they are in the right path to solve this great difficulty; but, with regard to some of the landlords of Ireland, I believe that the phrase used on a former occasion by my noble Friend the Secretary for Foreign Affairs (the Earl of Clarendon) was not too strong—their conduct is "felonious" when they appropriate to themselves that which is the result of the skill, industry, and toil of others. Then in what way is this Bill to operate? Unless it operates in some way like the Ulster tenant-right, I should hold that it would not succeed; although I think the Government were quite right in not extending the Ulster custom to the whole of Ireland. In many cases, especially in the South and West of Ireland, the Ulster tenant-right could not be introduced without producing much mischief, as it would introduce a class of tenants who would divide the land and cultivate it worse than the present occupiers. If, however, you give a tenant a claim for that which he has really effected, and grant him a lease, you will apply a remedy where a disease exists; and you will in time gradually—not suddenly, but gradually—restore those relations between landlord and tenant which ought to prevail in every civilized community. But then we are told that we ought not to take this course, because it is not based on the state of things existing in Scotland or in England; and the noble Duke opposite appealed to my noble Friend the Secretary for India (the Duke of Argyll), and asked him whether leases for 21 years were not considered sufficient in Scotland. Now, we all know that the Scotch farmer contrives—being very intelligent, and aware of all the processes by which land is improved—in the course of 21 years to recover his expenses, and at the end of that time he is often very glad to take another farm which is not so much improved, and transfer to it his skill and capital. But is this the state of Ireland?

THE DUKE OF ARGYLL: In Scotland all permanent improvements are done by the landlords.

EARL RUSSELL: Well, that is not the case in Ireland; and this Bill even proceeds on the presumption that all the improvements have been done by the tenant. The noble Duke opposite (the Duke of Richmond) very naturally finds fault with that part of the Bill, and considers it an interference with the rights of property. But the Reports of the Poor Law Inspectors have over and over again shown that improvements, and even permanent ones, have been made by the tenants. I know, however, that the system of raising a presumption is very clear to the legal mind. With regard to another part of the Bill, I think it is not quite clear what is to be the case with tenants-at-will. The phrase "tenants-at-will" is very commonly used in Ireland, as applied to those who are in reality only tenants from year to year, who having come into occupation in November or May receive at the time of entering a notice to quit in six months, so that, practically speaking, they cannot be turned out for 12 months. There have, however, been some landlords who wished to put aside that custom, and have tried to force their tenants to give up their occupations at various times. There is an instance quoted by a Poor Law Inspector in which a landlord wished the rent due in November to be paid on the 1st of August, and the tenant to give up possession on the 1st of November.

THE EARL OF LEITRIM: That is perfectly untrue.

EARL RUSSELL: I suppose the noble Earl will not dispute the case of Mr. Scully. That is often spoken of as a case of eviction: but what he wanted to do was to make all his tenantry sign an agreement, which might well be called compulsory, that they were to give up their land on a fortnight's notice. It was a case of great oppression—a most unjustifiable act, and we can hardly wonder at the unlawful and unjustifiable violence with which it was resisted. This Bill provides that any person holding an occupation for any arbitrary term shall be entitled to the same notice to quit as if he were a yearly tenant; but there is no clause specifying the time at which such notice shall be given. I only desire that the Bill shall be so drawn that there can be no mistake about such tenants receiving a legal notice. As to amending the Bill in Committee, I will only say that the objections which I entertained to it when it was first produced have been removed by the alterations which it underwent in the House of Commons. I find it, as it was there amended, vastly improved, and it is not for me to declare that I propose to add to those improvements. If there was any man who, owing to his habits of mind, was likely to bring forward satisfactory Amendments in the Bill, and to enforce their adoption by his great powers of eloquence, it was Sir Roundell Palmer, and various changes were made in it to meet the objections which he urged. If I understand rightly, these changes were such as to satisfy Sir Roundell Palmer, with that with which he was satisfied, I, too, am content. I shall certainly, therefore, not vote for any Amendments which may be brought forward in this House. If the noble Duke opposite (the Duke of Richmond) should succeed in carrying any of the Amendments which he has indicated it to be his intention to propose, they will, no doubt, receive the careful consideration of the Ministry and of the House of Commons, who can accede to them or reject them as they deem proper: but, for my own part, I look upon the Bill with approval, and I confess I entertain the most sanguine hopes as to its operation. The result of that operation will, I believe, be to show that the British Parliament—this united Parliament, which the Repealers are so constantly throwing in our teeth—desire the good of Ireland; that they wish for the benefit of the tenant as well as of the landlord; that they are anxious to do justice to all parties; and that if any further grievances actually oppress the Irish people their complaints will be freely listened to and remedies devised to meet them, so far as lies in our power. If such a feeling is produced by this Bill, I look upon it as a great source of obtaining that cordial union of Ireland and England which it has always been our object to secure. We know it could not be attained in former times: but happy is the Sovereign who can achieve that which Elizabeth with all her power, and that which William III. with all his wisdom and capacity were unable to accomplish. Happy is the Minister who is able to do what Burleigh and Somers could not carry into operation; and happy is the Parliament which, instead of heaping up, as was said by Burke, penalty upon penalty against the Roman Catholics of Ireland, and passing oppressive laws, finds itself bound together in promoting the good of that country, ready to listen to all her just claims, and, as I hope, likely to establish peace and harmony throughout the land as the result of their efforts.

LORD ORANMORE AND BROWNE said, that if, in the course of his observations, he should find it necessary to refer to some remarks that had been made by noble Lords opposite on previous occasions, he hoped it would be quite understood that he had not the slightest intention of making any party attack. He felt it to be his duty to ask their Lordships to reject this Bill, because it contained, as had been admitted by the right hon. Gentleman at the head of the Government, principles which had never yet been accepted by the Legislature of this or any other country. The noble Lord the Chancellor of the Duchy of Lancaster (Lord Dufferin) had also placed on record that principles, which were substantially similar to those on which this Bill was founded, would be not only detrimental to the interests of the landlords but also a gross infraction of the first principles of justice, and would be fraught with mischief to the community at large. What were the arguments that were or might be alleged against the course he asked their Lordships to adopt? It had been said that it was impossible for their Lordships to reject a Bill that had been carried by so large a majority through the House of Commons, because to do so would be to act in direct antagonism to the Constitution. To that argument he would merely reply that, if the principle which it embodied were assented to, the Constitution would have ceased to exist, for we should be governed simply by one Chamber. The noble Earl opposite (Earl Russell) had referred to what had passed in the other House during the progress of the Bill; but he (Lord Oranmore and Browne) believed he might say that almost every English and Scotch Member of the House of Commons had repudiated the provisions of the Bill as utterly unjust and unfair as between tenants and landlords. Two or three Liberal Members, too, of considerable weight, had moved Amendments in the Bill that would have considerably modified it; but they had, he believed, been checkmated by means of messages sent round to their constituents and the calling of sensational meetings, so that rather than risk their seats for an Irish measure, they either withdrew or did not persevere with their Motions—they gave up what they thought just and reasonable proposals for the sake of party and personal interests. The fact was, that the only excuse for introducing such a measure was, as had been pointed out by previous speakers, that different Governments had proposed similar schemes; but there was nevertheless a great weight of authority among the Liberal party against the principles which the present Bill contained. They had been condemned by three Cabinet Ministers. The noble Lord the Chancellor of the Duchy of Lancaster, for whose opinion he entertained the highest respect, had given expression to views in direct opposition to them; the Chancellor of the Exchequer had stated that having studied the question attentively he could not see that any case had been made out for separate legislation with regard to Ireland; and the noble Duke at the head of the India Office (the Duke of Argyll) had pointed out that it was impossible any improvement could be made in that country unless the small-tenant system were abolished; and the Chief Secretary for Ireland had given it as his opinion that the principles contained in the second part of the Bill were entirely revolutionary. He feared that party necessity was the real cause for the introduction of the Bill; but in "another place" the reason assigned was that the exceptional position of Ireland made exceptional legislation necessary. Now, he (Lord Oranmore and Browne) denied that crime and outrage in Ireland originated with, or were caused by, the land laws of Ireland. In ordinary times agrarian crime was localized in the Midland counties, and it was caused by a society of trade unionists under the name of Ribbonmen, who banded themselves together not, as English trade unionists did, to keep up the price of labour, but to keep down the price of land. Both were legitimate objects if carried out legitimately; but if associated with violence and assassination they were simply iniquitous. As far as the landlord was concerned, no good reason could be shown for the change now proposed—a change for which no precedent could be found in the land laws of any civilized country. The noble Earl who introduced this measure acknowledged that land in Ireland was let extremely low, and that, as a rule, Irish landlords were liberal and indulgent in their dealings with their tenants. The value of stock there, as was shown by *Thom's Statistics*, had been increased three-fold within the last 20 years; the sums lodged in the savings banks had doubled; the increase of holdings above 15 acres had been three-fold; 2,000,000 acres of waste land had been reclaimed, and though a large portion of this was in pasture, 32,000 acres were added to the tillage, though with a smaller population than there were 20 years ago. The consequence was a large increase in wages, while rents were regularly paid; and Judge Longfield stated that the value of the tenants' interest in their present holdings, apart from improvements made by them, could not be less than £50,000,000, or one-quarter of the value of the whole fee simple of Ireland. In the face of such facts, how could it be said that Irish tenants were unable to take care of themselves, and that special legislation was required for their protection? He knew something of Ireland himself, and, generally speaking, except in times of political excitement, the greatest good feeling and good-will existed between landlords and tenants; excitement and violence were caused by political agitators who desired to make political capital out of the misfortunes of their country. He asked their Lordships to reject this Bill for the additional reason that it took away the property of the landlord without compensation—as great an act of dishonesty if committed by the State as if committed by any petty robber. There could be no dispute that the 3rd clause, under which the landlord was bound to give the tenant compensation, not only for improvements, but for disturbance of occupancy, must inevitably deteriorate the present value of property, whatever increase in value the promoters of the Bill might foretell in the future, and he estimated that if an estate bringing in £1,000 a year were now forced into the market, the practical result of the Bill would be that the property would fetch only £14,000 instead of £20,000. Was this the principle which anybody would think of applying to property on this side of the water? No such attempt upon the sanctity of private rights ever had, or ever would be, made in England, where, if it became necessary for the good of the State to deal with the property of private persons, it was always done with the utmost caution, and with all care that they sustained no loss by the transaction. Why, in the name of common fairness and honesty, were they to be less scrupulous in Ireland than in England? Another objection to the Bill was, that it would operate in restraint of contract, and would give rise to infinite litigation. He had recently had some conversation with two very eminent lawyers on this subject. One of them prophesied, as the result of the Bill, enormous litigation, the end of which would be that the tenant would be ruined and the landlord shot. The other advised a gentleman to make a barrister of his eldest son, and attorneys of his two other boys, adding—"And then they will divide your property and that of all your neighbours among them!" He was present in "another place" when the Solicitor General for Ireland, taking the Bill in his hand, and turning to the Conservative side of the House, said that certain clauses were all in the landlords' favour, and then, turning to the other side of the House, said that other clauses were in favour of the tenants. What could be the end of such a Bill but litigation, and the continuation of ill-will instead of the introduction of peace and good-will? It had been said that public opinion in Ireland was in favour of this measure; but he had been unable to discover any of the usual indications of the fact. There had been no Petitions in favour of it presented to either House of Parliament—none of that excitement and strength of public opinion that had been evident in the case of the Irish Church Bill. It was certainly not liked in England; with one exception, the Farmers' Clubs of Ireland had declared against it, and the Roman Catholic Bishop of Wexford, on his part and the part of the other Bishops now at Rome, had declared that this Bill gave no kind of satisfaction. He could not, therefore, see any ground for saying that the Bill would settle this question and produce good-will in Ireland. Apologizing for the much too great length at which he had intruded on their Lordships, and thanking them much for their kind indulgence, he would ask their attention to a very few remarks in conclusion, and beg their Lordships to consider rather whether they were true than whether they were agreeable. Irish people believed that the exceptional state of affairs in Ireland was the result of the exceptional system of legislation by which the Parliament and people of Great Britain had now governed Ireland for six centuries. They believed that such measures as the present introduced no new era, but were only another phase of that same one-sided, interested policy, the action of which had reduced Ireland to its present disastrous state. True, this measure and that of last Session were all in favour of the Roman Catholic clergy and the Roman Catholic peasant; whereas legislation for the last two centuries had been favourable to Protestants and Protestant landlords. But why? Because formerly the ruling power in this country was more Protestant and aristocratic; whereas now democracy was the road to power, and so the Government must secure the democratic vote in Ireland. Thus, the Government of Ireland was still carried on, not for the good of Ireland, but it was made subservient to the interests of party politics in this country. Englishmen did not intend this—Parliament did not intend it; but party interests had become so paramount that the political vision of the English people, which was perfectly clear with regard to the duties of its home Government, or to the duties of foreign Governments, was absolutely darkened by a thick cataract when once it had to legislate for Ireland. It was but lately that the hearts of the whole nation were stirred to their inmost core with grief and indignation when they heard of the murder of their countrymen in a foreign land—grief for their loss, indignation at the impotence of a Government which was unable to fulfil the first duties for which it existed. Quickly Her Majesty's Government declared in indignant terms that the lives of British subjects were not to be sacrificed with impunity, and the noble Earl at the head of the Foreign Office (the Earl of Clarendon) was justly congratulated on the activity with which he had stimulated the Greek Government to bring the criminals to justice. But for the last 18 months outrages and murders had been of common occurrence in Ireland, and few of the perpetrators had been brought to justice; and at this time the daily Press related, often without comment, outrages and murders in Ireland, and where was the sympathy, where the just indignation? And yet we were men and brothers. Indeed, sympathy was sent in "messages of peace"—peace which was no peace, but a message of renewed animosity and discord. Let them not send measures like the present, which were alike contrary to all principles of public morality and public justice; let them not sacrifice the true interests of Ireland to petty party interests, but rather govern her as an integral part of the United Kingdom; let them extend to her the same rule of even-handed justice which had made England the great nation she is, and then, but not till then, would the people of Ireland united in themselves, be united not in name, but in feelings and interests with the people of this country.

Amendment *moved,* to leave out ("now") and insert ("this day six months.")—(*The Lord Oranmore and Browne.*)

LORD LURGAN spoke in support of the Bill, and expressed the hope that the House, comprising as it did many of the wealthiest landlords of Ireland, would deal justly and generously with Irish tenants. He believed the Bill would give security of tenure, the want of which had caused the mutual distrust which had existed between landlords and tenants; that it would make tenants peaceable, contented, and loyal; and that it would bind Ireland closer to this country.

VISCOUNT LIFFORD said, he congratulated himself on the opportunity of obtaining information he had long sought as to the nature of tenant-right, and he would therefore venture to ask the noble Lord who had just spoken for his definition of it.

LORD LURGAN said, it was the right of the man who sowed to reap, and of the man who built a house to be paid for it.

VISCOUNT LIFFORD said, that was what he had advocated for 30 years; but he denied that what this Bill provided was confined to that. He disliked the Bill; not because it took a considerable portion of their property away from the landlords, but because it cast a cold shade on the whole prosperity of Ireland. Everyone who had been acquainted with Ireland for the last 30 or even 20 years, must be conscious of the extraordinary advance she had made under the present state of the law. Not long ago he came across an old letter, referring to the wild district in which he lived, and it stated that all the tenants on the townland—the second largest in Ireland—had shut up their cabins and gone out to beg. That townland was inhabited now by a tenantry as respectable as any in Ireland, and as little likely as any tenantry to go out to beg. Yet this improvement had come about by the working of the existing land laws. Upon this point he would read an opinion of Lord Palmerston, who in 1865 said—

> "Now, it has been well observed that no great agricultural improvements can be made except upon large holdings and with large capital. Everybody knows that the great majority of the tenants of Ireland have but small holdings of some 5, 10, or 15 acres, nor have they capital to improve any larger quantity of land which they might hold. But what does that condition of Ireland arise from? It is not from the misgovernment of England. England has nothing to do with the subdivision of holdings, by which an immense, and—as many people have thought—a redundant population has been created in Ireland. It arose from the very cause which is now held out as the remedy of the evils complained of—it arose from comparative fixity of tenure. It was fixity of tenure which led to the multiplication of holdings, to the immense population, and to the comparative backwardness of agriculture in Ireland. It is the long leases granted in the last century for 61 years and three lives—lives which had the peculiar property of enduring for an immoderately long period, lives which frequently outlasted the 61 years—that created the evil. The occupying tenants who held under these leases were the least improving people in the world. They never improved; and I can say from my experience that, when leases of that sort fell out, and those who held them became tenants-at-will, it was then they began to improve, assisted, no doubt, in some degree by their landlords; but they had a spirit of improvement inspired into them which they never had at any period of the long holding which might be compared to fixity of tenure, and which was greater than the 31 years' lease that the hon. Member for Dungarvan said was sufficient time for any improvement the tenant might make."—[3 *Hansard,* clxxviii. 620.]

That was Lord Palmerston's opinion, and on that opinion Lord Palmerston acted. He remembered going over Lord Palmerston's property in Ireland at the time when a very large number of the tenants were evicted; but every man was restored to his holding, except a few to whom money was paid to emigrate, and the tenantry were put into more comfortable and more compact farms. The property was held on the "rundale" system, and Lord Palmerston laid out a large amount of money in bringing the farms together, and securing more of the comforts of life to the tenants. The property thus dealt with was now among the most thriving in Ireland. But nothing of that kind could have been done under the present Bill. Was he not right, therefore, in saying that this measure would cast a cold shadow over the returning prosperity of Ireland? The case of Lord George Hill's property, in the county of Donegal, was a similar one. When that property was bought it was in such a condition that one farm was scattered over 42 different patches. The tenants were evicted and all restored again to their holdings, and made considerably more comfortable than they were before. Lord George Hill, in 1838 and the following years, bought five adjoining estates, containing 24,000 acres of wild mountain land near the sea-coast in the county of Donegal, upon which there were 2,400 inhabitants and 500 tenants, the rental being £600, and some of the farms being 1,000 yards by six yards wide. The Conolly estate was sold in 1867, the rental being £516; the rent to the Ecclesiastical Commissioners and the tithe amounting to £183, and the number of tenants under £4 being 448, while under £2 the number was 290. Were their Lordships going to stereotype such a miserable state of things as that? It would be impossible under this Bill for the landlord to improve such property, and therefore he said the measure would operate as a total check on the prosperity of Ireland. So much for the effect of the Bill on the tenants. He now came to its effect on the landlords. There were three classes of Irish landlords. The first consisted of the *fruges consumere nati*—of whom in every country there was a considerable number—who disregarded the duties attached to the possession of land. To them the Bill would be a blessing; it would relieve them from any compunction they might occasionally feel that they were not doing their duty. They had paid little heed to Mr. Drummond's axiom—"That property had its duties as well as its rights." The next class of landlords—and the largest class—were those who made great sacrifices to benefit their tenants and their country, and who were unheard of in England only because they were unneeded there. To that class this measure would be a most bitter disappointment. Then there was the third class of landlords—the least numerous—who had treated their tenants as serfs, and violently usurped the property which the tenant had invested in the land. Nobody would pity that class of landlords; but was it wise, for the sake of meeting the case of a small class like that, to infringe, as that Bill infringed, the great laws of property and of political economy which obtained in every other civilized country, and which necessarily must be the foundation of all true national prosperity? But while he thought the Bill infringed those laws, he believed, at the same time, that it would be a most unfortunate step for their Lordships to accept the Amendment of his noble Friend for the rejection of the Bill. If the Bill were thrown out, in what position would they be? There would be an appeal to the constituencies, and by the Constitution, it would be the duty of their Lordships to bow to their decision. Could they hope that the constituencies, constituted as they were, would reverse the policy of the Government, or diminish the following of Mr. Gladstone upon such a question as this, which would be represented to them as one affecting a class? Could they for a moment believe that, after the manner in which the Government and the House of Commons had committed themselves to the policy of the Bill, it would be possible to go back? Apart from these considerations, and objectionable as he deemed many parts of the measure, he nevertheless felt bound to say that the Bill did contain one valuable provision—namely, that which gave the tenant the right—the right which ought to have been given him many years ago—to have secured to him the property he had invested in the land with the knowledge and sanction of the landlord. He should, therefore, extremely regret if the Bill were wholly rejected. He now turned to another point. It had been frequently asserted that the Irish peasantry had a property in the land before the introduction of English law into Ireland. The fact was that, under the Irish sept system, a small portion of arable land belonging to the tribe was divided among them every year, according to the number of cattle each man had; but no man had any property in it, while the rights and powers of the Chief were enormous. He would quote a curious letter showing what was the opinion entertained about his rights over the land by one of the greatest Irish Chiefs in the reign of Queen Elizabeth. It was a letter from O'Neil, Earl of Tyrone, dated May 23, 1607, in answer to the claim of his son-in-law, O'Cahan, to lands in Derry, and it said—

> "The defendant for answer saith that there is no such country called O'Cahan's country, other than that of late times, by corruption of speech, which the plaintiff would complain of, called by the name of Irraght-I-Chahan; and as for any title that may be made by the plaintiff to the said land, the same is merely determinable by course of common law; and further, as to the request of the plaintiff, that he, the plaintiff, may be permitted to surrender and accept a new estate from His Majesty thereof, defendant thereto answereth and saith that the plaintiff thereunto is not to be received, for that he, the plaintiff, hath no estate in said lands that he may surrender, nor did he or any of his ancestors ever hold the said lands, but as tenants at sufferance, servants, and followers to the defendant and his ancestors; and further, that defendant saith that Con O'Neill in the bill mentioned, grandfather to the defendant, was seized in fee of the lands in the bill mentioned before his surrender to the late Prince of famous memory, Henry VIII."

One story was as good as another, and that letter showed the opinion entertained by an Irish Chief of the rights of those who held land under him in three counties. There was one way in which this difficulty about tenant-right might be met, and that was by simply inserting in the Bill that which was universally acknowledged to be just—namely, that the landlord should have the power to accept or to refuse an incoming tenant. That would probably do away with all the mischief which would arise from legalizing that right. He had asked one of the ablest Chairman of Quarter Sessions in Ireland what course he would take if the Bill became law; and his answer was that he would deal with each case that might arise according to the custom on each property. He had since looked to see what these customs were, and he found that in one case the tenant-right was equivalent to about two years', and in another to about 50 years' purchase. Another part of the Bill, which was most unfortunate, was that which empowered the tenant to build without the landlord's consent. The consequence would be that the tenant would put up a house on every 25 acres, not for the use of labourers at all, but simply for the purpose of subdivision or subletting. But there was an Act passed in 1860, which had done ten times more for the labourer than this Bill would ever do, and which was founded on principles diametrically opposite—he meant the 23 & 24 *Vict.* c. 154. Clause 81 of that Act was as follows:—

> "When any landlord shall by any agreement or memorandum in writing let a tenement, wherever situate, consisting of a dwelling-house or cottage without land or with any portion of land not exceeding half an acre, at a rent not exceeding £5 in the year, for a month, or from month to month, or in like manner for any lesser period of time, and shall thereby undertake to keep the said dwelling-house or cottage in tenantable condition and repair, such tenancy shall be constituted and deemed a cottier tenancy within the meaning of this Act, and shall be subject to the provisions hereafter contained in respect thereof."

Clause 19 of the Bill was exceedingly objectionable. It provided that the Judge of any Civil Court should, in all cases, take evidence; and, according to the existing law, he would have the power of calling in a jury. As these juries would be composed of tenants themselves, he would like to know what sort of verdict would be likely to be given in the case of dispute between landlord and tenant. Only the other day he was present at a Court of Road Sessions, and a person put in a claim on account of a house which he said had been burnt down in the middle of the day—a fair day too—by a man who mounted a ladder and set it on fire. Of course, the thing could not for a moment be believed, and it was known that the night before persons had been gambling in the house, and that the priest had called them over the coals for it. But the Sessions decided that it was a malicious injury. It would be most unsafe, therefore, and unjust to leave this 19th clause as it now stood. As to how encumbrancers were affected by the Bill, he would read the opinion of a lawyer on the subject—

> "As the Bill now stands encumbrancers are only to be paid off in dribblets. Let us suppose a case in point. A B, the incumbrancer, has a charge of £5,000 upon the estate of C D, the landlord; C D contracts with a tenant, X Y, for the purchase by the latter of his holding, valued at £100. A B has then to look after his own interests in the Landed Estates Court, and when all the delay and investigation of title, &c., in the question has been gone through, may hear that a sum of say £25 or £30, or some such trifling amount, has been lodged to his credit at some particular bank, and that he must now take this as part payment of his principal, and also as the compensation for his loss of security arising from the alienation of so much of the estate as was comprised in X Y's holding.

> This process may go on while an acre of the landlord's estate remains together, and so expose the encumbrancer to continual vexation and attendance upon Court, possibly to legal costs more than enough to swallow up the repayments. But this, although bad enough, is not the worst feature of this part of the Bill as it at present stands. There is no provision for the payment of annuitants, such as widows with jointures. The alienated portions of the estates are only to be subject to the Government annuity, in lieu of purchase money advanced, quit-rents, tithe rent-charges, rights of common, &c., heriots, &c., charges for drainage, &c. Consequently, if the unsold portion of the estate be not sufficient to pay the jointure, or if the whole estate be sold, the widow may be left penniless, as, in very many cases, their jointures are the only means of maintenance for this class."

Now came the serious part of the business. They were told at the time of the Union that Ireland should be dealt with on equal terms with England—"Yorkshire was to be as Ireland and Ireland as Yorkshire," were the words used by Mr. Pitt. No principle but that of identity with England could excuse the binding of two countries together so dissimilar as Ireland and England. If that identity had been brought about the greatest blessing ever conferred upon any country would have been conferred upon Ireland. But the Imperial Parliament had not patience to let this work go on and allow steam and civilization to complete the identity. Let them look at Scotland, where a different course had been pursued, and where in the wide world, England not excepted, was there so glorious a country? Why did they not let Ireland alone a little longer? And what had been the result of all their conciliation? He held in his hand a paper received only two days ago, and he found from it that at a meeting, composed of some of the most respectable men in Ireland, the following resolution had been passed:—

> "That it is the opinion of this meeting that the true remedy for the evils of Ireland is the establishment of an Irish Parliament with full control over our domestic affairs."

There was the result of their conciliation. Some four years ago, he heard in "another place," with a species of horror, a Member of the Government, whose illness friends and foes alike deplored, say that if Ireland could be loosed from her moorings and anchored at the other side of the Atlantic, the Irish people would rejoice. No doubt a great number of the Irish people might rejoice; but he knew that no Protestant would do so, and, probably, neither Protestant nor Roman Catholic. But could that be said now? It was quite certain there were numbers of people, Protestants and men of property, who felt most strongly that if Ireland had been unmoored 10 years ago, and anchored off the coast of New Jersey or of Brittany, neither by the Americans under a strong public opinion and sense of justice, nor by the powerful hand of the Emperor of the French, would the Irish Church have been disendowed—certainly not to the same extent as it had been. While property would have been protected industry would have been successful, and competition for land would have ceased in consequence of plenty of employment. The competition for land in Ireland had arisen solely from the want of other employment, and that was due to the disturbed state and unsecurity of property in that country. Without that continued disturbance this Bill would never have been introduced into their Lordships' House.

Lord DUFFERIN*: My Lords, although every noble Lord who has risen to address your Lordships in reference to the momentous subject now under your consideration, has felt it necessary to preface his remarks by an appeal to your indulgence, I am sure it will be readily understood that there is no one on the present occasion who has greater need to throw himself upon the kind feeling of the House than myself. For, my Lords, independently of the inherent difficulties incident to the discussion of so complicated a measure, I am still further embarrassed by circumstances of a personal nature. On the one hand, as a subordinate Member of Her Majesty's Government, I am under an obligation to approach the question with the utmost caution and reserve, to abstain from making any damaging admissions, and to limit my advocacy of it to the regulation cut and thrust of a trusty man-at-arms; while, upon the other hand, I feel that as the only occupant of the Treasury Bench in this House, whose entire property is situate in Ireland, as well as from the fact of having already taken part in many of the controversies on the Irish land question, it would be impossible for me to engage in this discussion either with self-respect, or with the hope of being able to submit any useful considerations to your Lordships, unless I did so with the most unfettered and independent freedom of expression. In this dilemma it is the latter course I propose to follow; it is the only one consistent with my personal honour, and I am sure it is the one which my Colleagues behind me, as well as the distinguished chief to whom I owe allegiance would wish me to pursue. In the observations therefore which I am about to make, I hope your Lordships will remember that it is not merely a Government official who is addressing you, but a large Irish proprietor, one who is nothing else but an Irish proprietor, who does not own an acre of land elsewhere, the whole of whose material interests, as well as those of his children, depend upon the proper solution of this question, and who falls behind no one in this House in his jealous appreciation of the rights of property, and in his determination to maintain them. If, then, my Lords, with these convictions and predilections, and with a distinct apprehension of the gravity of all the issues raised by such legislation, I rise, in my place in Parliament, and in the most earnest and anxious language I can command, I entreat of your Lordships not only to give a second reading to this Bill, but to pass it without material alteration, the House may be sure that I do so, neither subdued by the prestige of a powerful Minister, nor engulphed in a blind flux of Liberal sentiment, nor intimidated by that formidable agitation across the water, to which murder and outrage have lent such a sinister character, but because I believe the main provisions of the Bill to be just and equitable in themselves, compatible with a fair interpretation of the rights of property, and likely to prove conducive to the general benefit of the agricultural interest in Ireland. Now, my Lords, in corroboration of—I will not say the sincerity, for I do not think the sincerity of any avowal I may make will be called in question—but of the deliberation with which these opinions have been formed, I will appeal to the views I have ventured to submit to your Lordships and the public during the last few years. And perhaps the retrospect is all the more necessary from the fact that, having at one time felt it my duty to bring into chief prominence the tenant's view of the case, when Parliament and the public were alike deaf to his representations, and at another, and at a later period, when agitation had given birth to extravagant pretensions on his part, having set myself to vindicate the equitable rights of the landlord, I have suffered the fate of all those who endeavour to walk between extremes, and have been sometimes equally misapprehended by both parties to the controversy.

My Lords, I will first inquire what are the leading and characteristic innovations which are introduced into the relationship of a landlord and his tenant by this Bill. They may be very briefly enumerated. There is the retrospective right of the tenant to all his existing improvements, and the change in the presumption of the law as to all future improvements. There is the legal validity of custom, whether in Ulster or elsewhere—wherever, in fact, it actually exists. There is the right of compensation on eviction attributed to every tenant-at-will; and there are Mr. Bright's Clauses for lending money to tenants for the purchase of the fee simple of their holdings. Well, my Lords, 17 years ago, when such views were not so fashionable as they are now, I laid upon the Table of your Lordships' House, a Bill, in which the Irish tenant would have been invested with a retrospective right to his improvements, under conditions, and within limits, almost identical with those adopted in this Bill, and I enforced my proposal on the ground that the small Irish tenant could hardly be regarded as an agent capable of free contract, and that, however right it might be to hold to the principles of free contract as a rule, it would be folly and childishness to ignore patent facts in practical legislation, out of a prudish deference to logical symmetry. Again, at the same time, and in the same speech, when pointing out the mischiefs incident to the use of the tenant-right custom, I was careful to call your Lordships' attention to its beneficial effects as a substitute for a more business-like system, and in the absence of proper tenures; while, at a subsequent period, before a Committee of the other House, I stated, at the very time I was criticizing its economical results, that wherever it existed as a recognized practice and custom, with the express or implied sanction of the landlord, it would be the height of injustice to violate or ignore it. Still further—in illustration as to what my opinions have always been as to the position and claims of a tenant-at-will—I will ask permission to read to your Lordships an extract from a pamphlet published in 1865—that is to say, at a time when neither the Liberal party in this country, nor even the extreme tenant-right party in Ireland had ventured to put forward such a pretension on his behalf, in which, after arguing that a fair lease should extinguish all claims against a landlord, except such as might survive on account of permanent improvements, I went on to plead that—

> "In the case of a tenant-at-will who is suddenly required to surrender his farm, a further consideration comes into play—namely, the inconvenience and loss occasioned by the unexpected interruption to his industry. . . . . It is evident he has an equitable claim to compensation on account of the disturbance introduced into his calculations."

To such a paragraph as this, standing, as it does, in the midst of a widely-circulated pamphlet, in which the very words "compensation for loss on disturbance," now adopted in the Bill, are the terms made use of, I do not think I need add much to justify myself in supporting this part of the measure. Lastly, with respect to Mr. Bright's proposals in another pamphlet published a few years later, although I certainly permitted myself to point out the obvious objections to them in the crude and unqualified shape in which they had been originally suggested by that right hon. Gentleman, I was careful to conclude my criticism by stating—

> "That I heartily sympathized with Mr. Bright in his desire to see a yeoman class established in Ireland; that to many individual cases the objections I had indicated would not apply; and that, although I might have misgivings as to the result of the experiment on so extensive a scale as that proposed, should he succeed in persuading the British taxpayer to come into his views, I, for one, would offer no objections."

My Lords, I feel that I owe an apology to your Lordships for occupying your time with so unimportant a topic as the vindication of my own consistency; but I can assure the House that it is not from any vain or egotistical desire of proving myself either more liberal or more prescient than the rest of the world; but in the first place I have been challenged on the point by a noble Lord opposite, and being anxious to use every endeavour to induce your Lordships to pass this Bill, I feel that any recommendation I might make to that effect would very properly have very little weight with your Lordships if it were supposed that any of its main provisions were out of harmony with my previously expressed opinions. But, my Lords, of course it may be said that the fact of having held certain opinions, for no matter how great a length of time, is no evidence whatever that such opinions are either sound or reasonable; and therefore, in a few brief sentences, I propose to submit to your Lordships the grounds on which I think these may be sustained. In embarking, however, in this part of the discussion, I do not think it will be necessary to linger long over those parts of the Bill, which important or momentous though they be, have ceased to be the points round which the main controversy is likely to turn. For instance, everybody is, I imagine, pretty well reconciled to accepting the principle of retrospective compensation with regard to existing improvements actually executed by the tenant, and in respect of which he has received no consideration in money or money's worth, whether that money's worth be represented by length of tenure, low rents, or otherwise. The barest equity requires this concession to be made, and I do not imagine that one of your Lordships would gainsay it. Neither do I apprehend that serious objection will be taken to changing the presumption of the law in respect to the authorship of improvements, whether in the past or future. No vital principle affecting the rights of property is concerned in this change, and it cannot be disputed but that the law is not only free, but is bound as far as possible to assimilate presumption with fact. Now there is no one in your Lordships' House who has contended more earnestly than myself against the assumption, which has been so sedulously propagated, to the effect that the landlords of Ireland have contributed only in an insignificant degree to the improvement of their properties. Such a statement as this is a cruel and outrageous calumny. In no country in Europe, I believe, have such exertions been made or so much time, labour, anxiety, and money been expended in the amelioration of the agricultural status of the country and of the peasantry, as in many parts of Ire-

[☞ *Folio* 64 *a*, C 9, *follows.*

land during the last 30 years. This is a fact which, I am happy to say, is at last receiving public recognition. But still, making every allowance on this score which truth may demand, it must still be admitted that, from the peculiar circumstances of the country, a great proportion of what in England are called "landlords'" improvements, such as buildings, &c., in Ireland have been, and in a multitude of instances will continue to be, executed by the tenant. This being so, my Lords, I, for one, have always been strongly of opinion, that in Ireland, both in respect of the past and the future, the presumption of law should harmonize as closely as possible—I will not say with fact—but with probability. In saying this, however, I do not refuse to recognize the propriety of applying this rule with a more inflexible rigidity to the future than to the past. When once the bias of the law has been pronounced upon such a point, as often as fact is contrary to presumption, it is always competent for the party interested to preserve a record sufficient to disprove presumption. But, as far as the past is concerned, inasmuch as the law itself threw the owner off his guard, and no landlord ever dreamt, when he built a cottage or sunk a drain, of calling upon sun, moon, and stars to witness his achievements, it is but just that the term within which his retrospective liabilities are to be resuscitated should be of such a reasonable duration as to deliver him from fictitious claims, and to place the means of evidence within his reach; while, above all, ample latitude should be left to the Court, in the absence of strict technical proof, to make an award according to its own convictions in the matter. Again, with respect to the clauses which enable the Irish tenant to purchase up the fee simple of his farm with money borrowed from the State—although many of your Lordships may entertain doubts as to the result of the experiment if indiscriminately tried in every part of Ireland, you would not probably be inclined, as a body, to intercept the intended bounty vouchsafed by the other House to a portion of the Irish people. For my own part, although I admit that the original scheme was open to grave objection, its application under the present Bill has been so jealously hedged, guarded, and qualified, and so many precautions have been taken to confine its operation to those persons who are least likely to put the advantage it offers to an evil use, that the chances of its possible miscarriage have been reduced to a minimum. Of course, the great danger to be dreaded is the anomaly of the State lapsing into the position of a landlord to the Irish people; but, inasmuch as a considerable amount of the purchase-money must, as a preliminary, be found by the tenant, the area over which the scheme can apply will be proportionately reduced—none but responsible persons can become applicants for the boon—and their obligation to the State will be a constantly diminishing quantity, representing, even at its outset, an annual payment amply covered by the letting value of the farm—so that the State will stand to the tenant, not in the position of a landlord, but of a mortgagee or rent-charger, which, of course, is a much less obnoxious relationship. A far greater danger is lest these petty proprietors should eventually subdivide and sublet their plots of land, over which they will be eventually entitled to exercise unrestricted control, and no one who knows Ireland can say that this is not a probable contingency. On the other hand, we must remember two things—in the first place, that the nature of the arrangement contemplated extends, by a process of natural selection, these opportunities only to those who have already proved themselves provident and industrious; that already—at least this is true in respect of this class of persons in the North of Ireland—the more intelligent members of the farming class have awoke to the folly of subdividing holdings already too contracted, instead of encouraging their children to adopt other pursuits; that a period of 35 years must still intervene before a single acre of the land thus dealt with can be severed from the farm within which it is now incorporated; and that between this and then there is a fair ground for hope that the sound opinion, already beginning to spread amid the farming class in Ireland in reference to this vital subject, will have taken deeper root, and that by the time these inchoate purchasers have become owners in full of their several holdings, a strong feeling in favour of primogeniture will have been created in the mind of Mr. Bright's peasant-proprietary. Whether or no this wholesome feeling on the subject eventually recommends itself to the good sense of the Irish people will in a great measure depend upon the favour with which it is regarded by the Roman Catholic clergy. If it is their desire to foster a prosperous and well-to-do community, to discourage improvident marriages, and to create a wealthy and independent middle class, it is very evident that their influence will be thrown into the scale of economical progress; if, on the contrary, they should consider their own position more likely to be sustained, and the revenues of their Church more readily provided, by a rapid expansion of population and the multitudinous contributions of penurious millions, the danger arising from this portion of the Bill will be considerable. Notwithstanding, however, the ominous recommendation of some of the Irish Catholic Bishops, that every tenant under the present Bill should be allowed to subdivide his farm *ad libitum*, I cannot but hope that the dictates of common sense and common humanity, in connection with this subject, will eventually be permitted to prevail; and, should this prove to be the case, considerable advantages may be expected to flow from these clauses.

But, my Lords, passing from the subsidiary and less vital provisions of the Bill, I would ask leave to address to your Lordships a few further observations with respect to those far more important sections of the measure, in regard to which alone, I apprehend, will any serious issue be joined—namely, the legalization of Ulster tenant-right and of custom generally, and the recognition of the claim of the tenant-at-will to damages on eviction. Now, my Lords, I have been represented, at all events in Ireland, as the unfaltering and irreconcilable enemy of tenant-right; and I am free to confess, that I have taken considerable pains, from time to time, to point out to the public, to the people of Ireland, and to my own tenants, the many mischiefs which have arisen out of the extravagant and unrestricted development of tenant-right; and, what is more, so far from having modified any of these opinions, I adhere to them with a firmer conviction than ever. But what are these opinions? Are they a blind unqualified condemnation of a practice of which several high authorities, and many landlords approve? Far from it! Whatever criticisms I have passed upon tenant-right, however severe, have been, at any rate, discriminating. In 1849, after enumerating the many disadvantages attending on the custom, I said before a Committee of the other House, and still say—

> "I think that the existence of tenant-right has, upon the whole, been a benefit to the North of Ireland; though, in another sense, it has not been a benefit."

And again, in reply to the question—

> "In that sense it cannot be considered of use or benefit to the nation at large?"

I replied—

> "No, not in that sense; but, upon the other hand—because I do not wish to run the custom down unduly—inasmuch as a very large proportion of the tenants who have entered into the occupation of their farms remain from generation to generation in those farms, the knowledge that if they are removed, a custom exists under which, in some shape or other, they will obtain a fair compensation for their expenditure, has undoubtedly stimulated the industry of the population of the North of Ireland to an enormous extent, and has given them a delight and an interest in their occupations, which is very rarely to be met with in any other part of the world with which I am acquainted."

So that it will be seen that, while denouncing the abuses of tenant-right, I have all along been very sensible to the respects in which its operations may have been fairly considered beneficial. But still I do not deny that, in the main, and with the qualifications I have enumerated, I look upon an unrestricted tenant-right with disfavour, while so far from thinking that the prosperity of Ulster is to be attributed to tenant-right, I am quite convinced that the reason why the agricultural status of Ulster, under conditions equally favourable to its development in respect of climate and soil, the energy and thrift of its inhabitants, and the proximity of manufacturing industries, is inferior to the agricultural status, we will say of Aberdeenshire, is because under the tenant-right customs of the Province, the tenantry of Ulster have been weighted with an initial tax, or rather a differential duty—which the admirers of the custom take a pride in estimating at £20,000,000 sterling—from which their fellow-tenants in the Scotch county have been exempt. It is true, on the one hand, a portion of this sum represents probably an encroachment on the accruing rise of rent due to the landlord, which the outgoing tenant has discounted and appropriated, and, on the other hand, it may be said that in return for their expenditure the tenants of Ulster have obtained an exceptional security of tenure; but the first is a characteristic of tenant-right which your Lordships will probably not regard with admiration, while those who know the good relations which exist between the Ulster tenants and their landlords must acknowledge, that without paying a halfpenny, had they only seriously chosen to demand it, they might have had a far more definite and satisfactory security, both for their improvements and in respect of their occupancy, than a shadowy and disputable custom, under which, even after it has received legal validity, they will only be able to recover the *caput mortuum* of the capital thus unprofitably locked up in the land. In Scotland a man gets a farm on a good long lease, and at a fair rent for nothing, and if he happens to have a spare £500, over and above what is necessary for the cultivation of his farm, he invests it in such a manner as to double its amount, within the specified period. An Ulster tenant, on the contrary, enters on the farm at as smart a rent—for the friends of the custom contend that tenant-right, instead of prejudicing, enhances the landlord's rent, in which opinion I do not agree—without a lease, and pays away the £500 to some one who probably goes off with it to America, leaving him with no better prospect of recovering his money, when he in turn quits his holding, either for his own convenience or under the compulsion of his landlord, than the chances of the tenant-right market, which in proportion as farmers get wiser will probably be a falling one. But it will be said—If you think so badly of the tenant-right custom, how can you be a party to its legalization? Well, for the same reason that I would sentence the murderer of an illegitimate infant to be hanged. I do not approve of adultery; but the creature is there, and being there, is entitled to the protection of the law. Tenant-right exists. Its presence is acknowledged, though in a somewhat sheepish way, as is usual on such occasions, by one thoughtless author of its being — the landlord — and has been nursed into a monstrous sturdy bantling by the partner of his folly, who not unnaturally appeals to the parish, or rather to your Lordships, in vindication of her rights. If this is so, and the admissions made by Ulster landlords as to the pretty general existence of such a custom in that Province, in "another place," have been too definite and frank to be ignored or repudiated in your Lordships' House, the abstract merits of tenant-right, or indeed whether its incidents should receive legal recognition or not, are scarcely debateable subjects.

But that point being conceded there does arise a very formidable query—namely, whether or no its recognition should be accompanied by any description or definition of what it is. After due consideration Her Majesty's Government have declined, and the other House of Parliament has declined, to define tenant-right. In this reticence they appear to me to have exercised a wise discretion. If I were to be called upon to define the custom of tenant-right I should describe it as a privilege acquired by certain tenants-at-will in Ulster and elsewhere to sell their interest in their farms, whether that interest represents improvements or any other marketable incident of occupation, under the same conditions as those under which they purchased it. But, my Lords, though this definition is sufficiently wide to embrace most of the customs of Ulster, it would be a very unsafe phrase to introduce into an Act of Parliament. Many of the tenants contend that the Ulster custom confers upon them an unrestricted and unconditioned right of selling their farms to the highest bidder, and inasmuch as this right is incompatible with the landlord's right to a competitive increment of rent, they claim that his rent should be restricted by a Government valuation. They found this pretension on historical grounds. They say that when King James originated the Plantation of Ulster he introduced certain fiduciary covenants into his grants, under which the landlords of the day were constituted as mere rent-chargers, while a permanency of occupation was secured to their tenants, and that the present tenant-right of Ulster is a modified representation of these relationships. Now it is quite true that in some of the grants made by James an obligation was imposed upon the grantees to issue leases to their tenants, with which conditions many of the "Undertakers," as they were called, failed to comply; but in my opinion it is idle to refer the custom of tenant-right to such an origin. It is only in a certain proportion of the Jacobæan grants that any such conditions were introduced. The obligation imposed did not imply fixity of tenure at a given rent, but terminable leaseholds, on the expiration of which perfect freedom of contract was intended to supervene. On many properties these conditions were complied with, as will be seen by a reference to Pynnar's survey. Pynnar was a Government official, sent over in 1619 for the express purpose of ascertaining how far King James's injunctions had been obeyed. He examined a great number of properties, and from his report it would appear that although, in frequent instances many of the "Undertakers," as they were called, had failed to grant leases, and were maintaining their tenants as "Irish tenants—" that is, as tenants-at-will—in direct contravention to the terms of their grant, yet that nearly 2,000 families had been established on the soil, either as freeholders or as lessees for lives or years, in various parts of the six Ulster counties. Pynnar then proceeds to describe the conduct of various individuals in this respect. For instance, on Sir W. Cole's portion of 1,000 acres, he notes that two families had been established as freeholders, seven on leases for lives, and 11 on leases for years. As the farms thus allocated consisted of from 50 to 150 acres, it is evident that a considerable portion of the estate thus granted must have been leased off. Again, Sir R. Hamilton is reported to have divided his lands amongst three freeholders and 11 leaseholders. The Earl of Abercorn located on 2,000 acres, 14 families on 61 years' leases, and six on freehold properties: Sir G. Hamilton did the same. In Armagh, Mr. W. Brownlow introduced on his 2,500 acres upwards of 50 leaseholders and five freeholders. The Goldsmiths' Company seem to have behaved in an equally liberal manner. Many of the London Companies, however, are denounced by Pynnar for their neglect of duty in this respect. On the Grocers' estates, for instance, he reports that all the houses were built by the tenants, but no leases had been granted. On the Ironmongers' property there were only agreements for leases, and these but for 31 years. The Goldsmiths, on the other hand, had duly planted 24 leaseholders and six freeholders on their property; and so he goes on noting with perfect impartiality the names of those who had and of those who had not complied with King James's behest.

From the foregoing entries we see that, inasmuch as upon numerous estates the conditions of the grant were complied with, it is useless to argue that the tenant-right now claimed by the present occupants of such estates was granted as a recompense or substitute for their infraction. It seems to me that the tenantry of Ulster could not commit a greater mistake in their own interests than to found their claims upon so unsubstantial a basis. If a tenant in my own county were to appeal to the Jacobæan grants as the origin of his claim, how would he be met? If he held land in one end of the county—by being told that the townland upon which his farm was situated was never dealt with by King James at all, the ancestors of its present owner having bought it of an Anglo-Norman or Celtic proprietor, with whose property King James never meddled. If in another district, that being Bishop's land, its tenures had enjoyed a similar immunity. If in a third that, though it was indeed included in King James's settlement, instead of there being a single fiduciary condition in the grant on which he relied, he would find himself confronted by a clause under which the landlord was expressly empowered to let his land on any terms he might desire, whether on leases for lives, or years, or whether at-will. But, my Lords, although I am myself convinced that the historic origin of tenant-right is entirely imaginary and fictitious, it would be out of the question for Parliament to base its conclusions upon mine or any other man's assertions upon such a subject; and, inasmuch as the tenant's claim may be considerably affected by the proof or disproof of the theory, it will be necessary that the whole subject should be judicially investigated; but of course an antiquarian inquiry of this kind can only be conducted by competent tribunals, furnished with the proper appliances for arriving at the truth. Again, there are others, and, as I think, wiser and better informed champions of the tenant's cause who, discarding altogether as useless and irrelevant these references to old-world arrangements — between which and the present time, a deluge of multifarious occurrences has intervened,—content themselves with pointing to the fact that, no matter how it may have arisen, a practice does very extensively prevail in most parts of Ulster, under which the existing tenant has paid a sum of money to his predecessor with the knowledge of the landlord, in the expectation that, when in turn he may have occasion to surrender his holding, he shall be permitted to dispose of his interest in it under similar conditions. Now, my Lords, wherever such practices as these prevail, it does seem to me that it is right and proper the law should give them due validity. When a landlord has allowed or encouraged a tenant-at-will, that is to say a man with no "occupation" right beyond the current year, to assign that right for a sum of money, altogether out of proportion to the nominal consideration thus transferred, he does *ipso facto*, and according to the fair and equitable construction of his intentions, give the purchaser to understand that he has acquired by his expenditure something more valuable and more enduring than a yearly tenancy; but when this connivance and complicity of the landlord is still further emphasized by his appropriation of the whole or a part of the money which changes hands, the claim created against him becomes indisputable, and the barest morality requires its recognition. But, though it may be easy enough to lay down a broad principle of this kind, it will be found that, in its application, a thousand disputable issues will be raised, both in respect of matters of fact as well as in respect of the inferences to be drawn from such facts. There are, indeed, some persons who believe that the custom of tenant-right was a kind of heaven-sent and ready-made dispensation which descended upon Ulster as the manna through the encampment of the Israelites, or the dew upon the fleece of Gideon, covering that favoured Province with the sudden and exact precision with which the crust covers a tart; but there are others who contend that there are many parts of Ulster where no such custom exists, and that even in those districts where it has crystallized into the most distinct and positive shapes, its nature, its character, the rights and privileges which it secures to the tenant, and consequently its money value is modified in a hundred different ways. As far as my own opinion is concerned, I believe tenant-right—so far as it does not represent compensation for improvements—to be of comparatively recent origin. It has probably grown up within the present century. It is the expression of a certain force. That force is competition. In the South the competition for land produced by the rapid increase in population gave birth to the middleman, who renting land at a fair rent let it to subtenants at a rack-rent; the large grass farms of the South, combined with other circumstances, favouring this comminution of tenancies. In the North, which is an arable district, and where the farms are consequently smaller, the same facilities for subletting did not prevail; but though the Ulster tenant had not the opportunity enjoyed by his southern compatriot of peopling his farm with a multitude of sub-tenants, and converting himself into a petty landlord and squireen, he was in quite as favourable a situation to profit by the change in the circumstances of the country. He held his land at a lower figure than the enhanced rents outsiders had become willing to give, and consequently he had an opportunity of assigning his tenement for a valuable consideration—that is to say, holding land at 20*s.* an acre which in the meantime had become worth 30*s.* an acre in the open market, he was able, if he chose, to pocket a sum of money which represented in the lump the accumulated difference between those two amounts. As long as the tenant held a lease—and up to within the last 50 or 60 years I am inclined to think leases were the rule in Ulster—this transaction was a perfectly legitimate one. Unless specially barred by covenant, the tenant possessed a definite legal interest, which had grown to be of a very valuable character, and of which he had the legal right to dispose. Nor did the practice create under these circumstances anything approaching to a custom that clashed with the landlord's interests. The incoming tenant knew perfectly well what he was doing: that he was acquiring only a definite and terminable interest, and that his right of occupation would disappear with the expiration of his tenure. A single illustration will enforce this conclusion. A leaseholder became bankrupt: quite independent of the landlord's wishes the law required the sale of the lease for the benefit of the creditors. The incoming tenant paid money for the valuable consideration represented by the lease, and the destination of that money, whether paid in satisfaction of the landlord's claim for rent, or in liquidation of any other of his predecessor's debts, was a matter with which he had no concern; but when in process of time, as I regret to say has been the case, the system of leasing fell into desuetude, and tenancies-at-will came to be bought and sold as if they implied valuable and continued rights of occupation, at the same time that the increasing pressure of population, and the force of competition, forced up the letting value of land, to a higher figure, and at a more rapid rate than considerate landlords were willing to adopt—a state of confusion, of conflicting claims, and of disputable issues supervened, which nothing but a strong sense of equity on the part of the landlords, and great moderation and good feeling on the part of the tenants, have prevented from culminating in constant quarrels between the owners and the occupiers of the soil of Ulster. Even as it is, and notwithstanding the ties of traditional good feeling which have bound these two classes together, I feel convinced that the vaunted custom of Ulster tenant-right has subjected, on the one hand, the rights of the landlords to undue encroachments, and left the equitable interests of the tenant open to hardly less formidable chances of invasion. So rapidly, in fact, were these mischiefs coming to a head, that even if an Irish land question had not incidentally forced Parliament to deal with the Ulster tenant-right, it would by itself have required special legislation.

But, my Lords, be that as it may, I think I have said enough to show that, even on the theory we have been considering, the claims preferred under the head of custom in various parts of the North of Ireland will have to be considered and estimated according to the circumstances and facts affecting not only every particular estate, but every particular farm on the same estate. Five years ago I may have set out a portion of land, hitherto in my own occupation, to a tenant for a specified term; or my predecessor, 30 years ago, may have granted a lease to a man who never paid a farthing to the outgoing tenant; or I may have purchased up the tenant-right of a farm on which the custom was acknowledged. On another townland, belonging perhaps to the same owner, an unrestricted tenant-right has prevailed for years; the tenants may have been told they were free to sell their farms at whatever price they could get in the market. On an adjoining townland these sales may have taken place under certain specified and long-established restrictions, both in regard to the choice of the in-coming tenant, and in respect of the price he was to pay; while, perhaps, on a fourth property, the term tenant-right in the apprehension both of tenant and landlord might have meant nothing more than compensation for improvements; and, in some instances—though these, I imagine, will prove to be very rare—the continual maintenance of the leasehold system, or other circumstances, may have excluded altogether the notion of vague and merely "customary" arrangements. Such being the Protean character of these tenant-right practices, it is very evident that the nature, or rather the pecuniary value of any rights claimed under them can only be determined by the most minute and searching investigation by evidence as to facts which it will require legal acumen to appreciate; and, above all, by a full consideration of such pleas as the tenants may allege in support of what may, perhaps, often prove a well-founded allegation—namely, that practices which had already acquired the solidity of custom have been arbitrarily interfered with and restricted to their prejudice by innovations on the part of the landlord. Under these circumstances, I am strongly of opinion that it would be simply impossible for Parliament to define tenant-right. However undesirable it may be to throw upon the Courts of Justice what are akin to legislative functions, no other alternative is open. The tenantry of the North of Ireland say that such and such valuable privileges have, as a matter of fact and as can be proved by evidence, been conceded to us by our landlords. The landlords themselves admit, and many of them boast, indeed, that these assertions are true; but neither landlord nor tenant can agree exactly in a description or definition of what they mean. The whole subject is

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an incomprehensible puzzle to the intelligence of the British Parliament. The notion of a commercial value attaching to land, independent of and in addition to the landlord's rent and the farmer's profit, is to them an incomprehensible enigma. They have a vague but just instinct that this strange birth is not a thing it would be either politic to propagate, or just to ignore; they therefore say what exists in fact shall exist in law, but the proof of its existence must precede its legal recognition. The same considerations which have led the Government on the one hand to legalize the Ulster custom, and on the other to leave its definition to the Courts, appears to me to justify their method of dealing with custom in other parts of Ireland wherever such custom may be found. I consider myself that it has been all along a mistake to allude to tenant-right as a purely Ulster custom. Although, from the peculiar circumstances I have referred to, it has acquired a more general recognition in Ulster than elsewhere, it exists in other parts of Ireland even in a more concrete form than in many parts of Ulster; and, wherever it is found, in its main characteristics it is absolutely identical with the Ulster custom. In fact, it is plain that wherever there is intense competition for land, the opportunity of obtaining a rack-rent will exist, whether in the North or South; and that if, through the negligence of the landlord, or from his short-sighted desire to recover arrears of rent, he allows a tenant-at-will to sell to his successor this marginal value—which a wise owner maintains as a reserve fund on which the actual tenant should always be able to fall back in case of an emergency—there you have at once the Ulster tenant-right in full force; and, of course, where this is the case, as we have already concluded, it becomes entitled to legal validity.

But, my Lords, passing from the consideration of the mode in which the Bill deals with what, after all, are exceptional interests — interests which have been incidentally created, and are claimed but by a minority of the population, we have still to consider the provisions which have been framed for the protection of the great mass of the tenantry of Ireland—namely, those embodied in Section 3. Now, my Lords, it would be useless to deny that in these provisions resides the active principle of the Bill—the characteristics which distinguish it from our ordinary legislation—the innovations which, to the apprehension of some, constitute its danger, and in the expectation of others contain a panacea for the ills of Ireland. The legal recognition of customs, the right of a tenant to compensation for his improvements, alterations in the presumption of law—all these are phases of legislation, which not only carry with them the manifest sanctions of equity, but are justified by the analogy of existing laws. But the arbitrary creation in favour of the mere tenant—that is to say, of the man who yesterday might have had no connection with the land, who might have dropped upon it from America or the moon, who has hired it at an advantageous rent, who has never spent a halfpenny upon it, who is occupying a house built, and fields put into a state of perfect cultivation by the landlord—the creation in favour of such a personage as this—of an irradicable claim against that landlord, amounting to one-fourth or one-fifth of the fee-simple value of the soil, is an exercise of power so extraordinary and apparently so unjust, so directly at variance with the acknowledged rights of property, that, in calling upon your Lordships to sanction it, both the Government and their supporters are, I admit, bound to show in the clearest manner, what are the principles they appeal to for its justification. Well, my Lords, unpromising as the attempt may appear, I think it will be possible to satisfy your Lordships that the proposal is compatible with the ordinary principles of equity, is in harmony with previous legislation, and in no real way hostile to a fair interpretation of the rights of property. But, my Lords, before stating the considerations which have recommended this view to my mind, I wish first of all to repudiate all complicity with those advocates of the tenant's cause who, though they have arrived at the same conclusion with myself, found their case on assumptions and on deductions with which I have no sympathy. First of all then I discard, as altogether monstrous and untenable, any claim preferred in behalf of the tenant, to any partnership or proprietory interest in the soil on the ground of ancient Irish habits, or tribal laws and customs, or on the strength of ethnological characteristics, or prescriptive rights of occupation, or any other of the fantastic apologies which have been lately invented for the purpose of glossing over the real character of the more violent proposals for the settlement of the land question which have been suggested from time to time during the last 12 months. If legislation of the kind we recommend is to receive the approval of a British Parliament, it must be on far more truthful and substantial grounds than these. As an inevitable incident to this discussion, men of acuteness and impartiality have been induced to examine the truth of these elaborate excuses, to which years of uncontradicted currency have given an undue authority. What has been the result? Why, at the first touch of critical research their absurdity has become apparent. Unhappily, exceptional circumstances have rendered the growth of such fanciful theories peculiarly exuberant in Ireland. One of the consequences of the long leases of the last generation was to fix in the mind of the ultimate representative of the original lessee, as well as in the minds of his derivative tenants, who were perhaps unborn when the lease was granted, habits of thought and ways of viewing his relationship to his holding which made it difficult for him to understand the terminable nature of his interest in it; and, in a lawless and uneducated population, these feelings would find expression in claims incompatible with all rights of ownership, and which have often been vindicated by deeds of violence and bloodshed. But, my Lords, I, for one, will never agree myself, or try to persuade your Lordships, to sanction the unjust claims of one class, or to sacrifice the legitimate interests of another, merely because successive Governments have been impotent to make the laws obeyed, to protect life, or prevent the demoralization of the popular conscience. And, my Lords, I abandon these lines of defence all the more readily, because it appears to me that a very simple consideration, and a very explicit argument, is sufficient to justify to the utmost the principle in the Bill which we are considering. What is the spectacle presented to us by Ireland? It is that of millions of persons, whose only dependence and whose chief occupation is agriculture, for the most part cultivating their lands—that is, sinking their past, their present, and their future—upon yearly tenancies! But what is a yearly tenancy? Why it is an impossible tenure—a tenure which, if its terms were to be literally interpreted, no Christian man would offer, and none but a madman would accept. In fact, my Lords, it is not a tenure which practically can be said to exist. No human being, whether landlord or tenant, on entering into such a bargain in respect of an agricultural holding—I except, of course, special and specific cases—ever dreams that the term of occupation is to terminate within the year specified. In the apprehension of both parties a reasonable period is intended. In no other expectation would a furrow be turned or a seed sown—for it is evident that in proportion as agriculture has developed into an elaborate art, and its processes have come to extend over a cycle of several seasons, the unit of time required to complete a single agricultural operation would be of several years' duration. But the law of England already recognizes the principle that the man who sows shall reap; consequently, the same analogy by which the law now converts a tenancy-at will into a longer term—namely, a tenancy from year to year, would amply justify its taking a step further in the same direction, and in declaring every unexpired tenure to be one commensurate with one or other of the approved agricultural courses. But further, independent of the actual capital invested by the farmer in the soil, in respect of which we all acknowledge he has a right to be recouped, there are other elements of value which he incorporates with his enterprize—namely, his skill, his energy, his industry, his previous training, not to mention the sacrifice of other opportunities of pushing his way in the world. This composite expenditure gives birth to expectations not only of remuneration but of profit. Unfortunately, however, agricultural returns are slow, and profits require a considerable lapse of time for their accumulation. The exact interval necessary will vary in accordance with 100 different circumstances, and almost every country in the world has a different customary term. In Belgium it is from 3 to 9 years; in Scotland from 13 to 19; in England from 12 to 21; in Ireland from 21 to 31. The equity of these arrangements is so self-evident that they are generally observed without the compulsion of a legal contract; and there is no human being with a sense of justice or humanity in his composition, who, under ordinary circumstances, after having invited another to occupy his land and irretrievably to commit his future destinies to the soil, in the prospect of being permitted a considerable term of occupation, would take advantage of a legal subtlety to divorce him from his enterprize and to confound his legitimate expectations. But, my Lords, although these honourable considerations regulate the relationship of landlords and tenants both in England and in Ireland, there exist in Ireland peculiar circumstances which occasionally interrupt this operation. In innumerable instances the tenantry of Ireland have not been inducted into their farms by the present owners. It was to a totally different class of tenantry in many instances that the land was let. The present tenantry of Ireland in many places are a deposit of the middleman; consequently the sense of obligation in the mind of the landlord towards persons who have frequently been intruded upon his property, in the teeth of covenants to the contrary, is less keen than it otherwise might have been. At the same time, a revolution has occurred in Irish agriculture. The undue cultivation of the potato, which was formerly its keystone, though still clung to by the least provident portion of the population, is regarded by the owners of property with suspicion and alarm. The catastrophe of 1846 has taught them that millions of infinitesimal holdings sustained by this treacherous root serve only as an ambush for famine to their occupants, and ruin to themselves. Consequently, a desire has arisen, as opportunity offers, by enlarging the holdings of the peasantry to render agriculture in Ireland a less precarious pursuit. These attempts, though necessitated by the circumstances of the case, and undertaken with the most benevolent intentions, have naturally been unpopular with many classes of the community; and for the last 30 years the landlords of Ireland have been denounced as exterminators and tyrants with the most persistent impetuosity. That, on the whole, the improvement of our agricultural system has been conducted with caution and humanity cannot be disputed. Consolidation of farms can hardly have been excessive in a country where are still 300,000 holdings below 15 acres, 136,000 below 30, and only 86,000 above 50 acres. But, however gross and exaggerated these accusations may be, and however well-intentioned the landlords may have been in their endeavours to guard against the recurrence of the calamity of 1846, it is undoubtedly the fact that there is a tendency in the minds of some owners of property in Ireland to regard the smaller tenancies with exaggerated impatience. In some cases, changes which ought to have been left to time and opportunity have been harshly accelerated; in others, clearances have been effected on a scale which has shocked the public conscience; and a system, which has been justly enough stigmatized as one of arbitrary eviction, has been too frequently resorted to. These occasional acts of harshness, reminding them too forcibly of their own dependent position, have naturally alarmed that vast proportion of the agricultural population, whose sole security for their most vital interests was the will—nay, the whim—of their landlords. They have accordingly called upon Parliament to intervene; and Her Majesty's Government, with the consent and with the approval of the popular branch of the Legislature, now asks your Lordships to impose upon all such landlords in Ireland as have chosen, or shall choose, to leave their tenantry liable to a sudden and unexpected eviction, the obligation of compensating the person with whom it may be their interest or pleasure thus to deal for the loss he is likely to sustain in the sudden interruption of his enterprize, and for his disappointment in his expectation of those profits which would have accrued to him had he been permitted to conduct it to its legitimate termination. In assessing the amount of this loss, of course, it is necessary to adopt an arbitrary scale; but, inasmuch as profits are always considered to be proportionate to rent, it is very evident that the compensation to be awarded, must of necessity be a certain number of years' purchase of rent. In my own opinion, I do not think that the figures adopted by the Government subject, as they will be to modification at the discretion of the Court according to the circumstances of each case, are open to objection. I imagine they very fairly represent the limits within which it has been the habit of most of your Lordships to compensate your out-going tenants under similar circumstances, and I sincerely trust that whatever this House will do to the rest of the Bill, it will not attempt to reduce their amount.

But, my Lords, it may be objected that, although the arrangements proposed are such as in equity ought to be observed, it does not therefore follow they should be rendered matters of legal obligation, and that legislation in this sense is a violation of that freedom of contract which is one of the most vital and valuable characteristics which can attach to property. My Lords, there is no one in your Lordships' House more alive than myself to the necessity of preserving the right of contract as free and unfettered as is possible; nor am I one of those who would venture to argue that the restraint of contract may not prove a modification, and a very considerable modification both of the nature, and of the value of property. So keenly am I sensible of this fact, that had this Bill been universally applicable to the whole of the landed property in Ireland, I should not have been able to support it; but it seems to me that one of the chief characteristics of this measure is, that it recognizes in the fullest manner that freedom of contract should be the rule and any interference with it the exception. The question, therefore, reduces itself to the simple issue whether in view of the defenceless position of a particular class, and of their incapacity from peculiar circumstances to make a bargain for themselves, the State should be entitled to intervene and make the bargain for them. My Lords, I admit that this is a very anxious and delicate question. It is a principle of legislation very open to abuse and liable to be converted into a dangerous precedent; but it appears to me, that for the sake of obtaining a practical good, and of preventing a manifest injustice, such considerations should not be invested with exaggerated importance, and that one of the essential attributes of English statesmanship has always been to determine questions of this kind without too pedantic a regard to logical theory. Many years ago I argued in your Lordships' House that the Irish tenant being in too dependent a position to make a bargain for himself, was entitled to have his concerns regulated by the interposition of Parliament. To that opinion I still adhere, and, believing as I do, that, on the whole, the conditions imposed by this Bill in behalf of the smaller tenants of Ireland are equitable and just, I, for one, do not shrink from admitting the right of Parliament to introduce them as a compulsory term, into what, in every other respect, will be a perfectly free contract. And, my Lords, in reference to this part of the subject, I would ask your Lordships to remember that although this Bill, by a remarkable ingenuity of conception, does do the most ample and consummate justice to the tenant, it avoids everyone of those abuses and violent restrictions upon the freedom of the landlord which has characterized almost every other proposal of the same sort. In the first place, it leaves him in the complete possession of his property—unless by his own act he will not be precluded from resuming any portion of it at his pleasure. No obligation is imposed upon him even to grant a lease, nor is any attempt made by the State to dictate to him the terms, whether as regards time or money, on which he is to let his land. The tenant is not empowered, as was the case in almost all previous projects, to compel him either to make or to pay for any improvements which are not conducive to his interest. All that the landlord is required to do is to act towards those who have undertaken to cultivate his land in a way in which every man with any honour and self-respect would be prepared to do without the compulsion of this Bill.

My Lords, I have now gone through, at what I am afraid you will have considered a wearisome length, the leading provisions of the Bill, and I have stated the grounds on which, in my opinion, each provision can be justified. I have done so not because similar considerations are not likely to have occurred to your Lordships, but because I desired to distinguish in the most express manner my reasons for supporting the Bill from those, as it appears to me, dangerous and unsound theories by which many persons have endeavoured to influence our legislation. I have discarded altogether from my vocabulary the phrases with which we have been lately so familiar, about tenants by status and tenants by contract, about occupancy rights, the Brehon laws and the Jacobæan grants, and I have based my advocacy of it on principles already known to English law and which are familiar to our practice. With respect to the chief and vital characteristic of the Bill — namely, that compensation be awarded to the tenant-at-will on eviction, I have argued that it is an equitable obligation in itself, and that being an equitable obligation, the State, as it has already done in the analogous case of women and children employed in factories, has the right to impose it on behalf of those who are not in a position themselves to stipulate for its observance. My Lords, in considering whether the recognition of such a principle is consistent with the rights of property, I admit that you are bound to exercise a most jealous scrutiny, a scrutiny which shall not only have regard to what is now enacted, but to the consequences which hereafter such an admission may lead to, and I further admit that you are all the more bound to do so, from the fact that the guardianship of property is one of the special functions of this House. Some people are wont to make a mock at what they are pleased to denounce as the selfish instincts of property. I believe, my Lords, that those instincts are among the most useful and virtuous which have been implanted in the human breast. They are the instincts from which have sprung, order, law, civilization, and every blessing and amenity that preserves, supports, or adorns the life of man; to outrage those instincts is to commit one of the worst of crimes in respect of the present, and one of the most disastrous blunders as regards the future. The three possessions human beings most prize, are liberty, property, and life; but they will ever be ready to sacrifice the last in defence of either of the two first. But, my Lords, these considerations should not deter your Lordships, but rather should compel the House patiently to distinguish between reasonable and unreasonable interpretations of proprietorial rights; and inasmuch as you are known to be the justest, the most independent, as well as the wealthiest body in the world, to allow plain common sense and considerations of practical equity to override mere logical and theoretical objections in your distribution of justice to those two great classes, the landlords and tenants of Ireland, who by mutual consent have agreed to submit their differences to your august jurisdiction.

The Marquess of Salisbury and the Earl Grey rising at the same time to address the House, it was moved by the *Earl Stanhope,* That the Marquess of Salisbury be heard; on Question, *agreed to.*

The Marquess of SALISBURY: My Lords, I am sorry to offer in my own person an instance in favour of the Motion which was under the consideration of the House last evening. Had it not been for the course adopted by the noble Earl (Earl Stanhope), I confess that I do not see how we should have overcome the difficulty in which the House was just now placed. I think it is due, however, to the noble Earl (Earl Grey), who rose with me, that when I got up I did not know that he intended to speak. If there has been anything scandalous, ignominious, or disgraceful, in the mode of selection which has just been adopted, I can only say that I regard it as the consequence of the refusal of the noble Earl opposite (Earl Granville) to take any step calculated to remedy the defects in the present practice of the House.

My Lords, I feel that I should not be doing my duty were I not to tender to those occupying the Treasury Bench the expression of my sincere sympathy for the feelings with which they must have listened to the speech which we have just heard. The occasion reminds me of a king of Moab, who invited a prophet to express certain opinions, and who was painfully surprised to find that the prophet expressed opinions totally different from those which he had anticipated. It is not in my power to condemn the proposal of Her Majesty's Government with the force and distinctness that have characterized the speech of the noble Lord (Lord Dufferin). My Lords, I never rose to address the House, either in praise or in condemnation of a measure, with greater feelings of difficulty than upon the present occasion. The Bill before us contains, as it appears to me, points white, gray, and black—things which I admire exceedingly; things the intention of which I respect, but the means of which I distrust; and things which I must condemn with my whole heart. And first I will address myself to the more agreeable portion of my task. The clauses giving compensation for improvements—barring certain matters of detail, which can be set right in Committee—meet with my hearty approbation. Upon this point I may even go further, and say that in "another place" I endeavoured to impress upon a Government—not differing much in its elements from the Government which now sits upon the Treasury Bench—the importance of establishing the principle of compensation for improvement. At that time that principle was treated with much less respect than is now shown to it. That principle I believe to be not only wise, but eminently just; and if we are now compelled to deviate from sound principles by sanctioning the retrospective payment for improvements long since effected, it must be remembered that Parliament will merely be doing justice to the claims of the tenants after 25 years' delay. Had the Bill consisted of these clauses only, it would have been impossible for me to have opposed its second reading; and I only wish for the credit of Parliament, that our machinery acted somewhat less slowly, and that the principle of compensation for improvement had been adopted directly after the Report of the Devon Commission was made. There is another portion of the Bill, in approving which I am afraid I shall not obtain the sanction of the noble Lords behind me—and, indeed, I doubt greatly whether I shall even obtain that of Her Majesty's Government. I mean the clauses known as Mr. Bright's Clauses. [Earl GRANVILLE: Hear, hear!] The noble Earl is too good a politician to refuse to cheer that declaration. I do not mean to say that these clauses are perfect; some details in them I wish to see altered; but the broad and general principle which commends itself to me is this—that although an undue preponderance of small proprietary is objectionable in an economic point of view, which is a small question—in a political point of view, which is a large question, it is quite possible to err as much on the point of large as on the point of small proprietary. My feeling is this—that had there been a larger number of small proprietors in Ireland we should never have seen such a Bill as this we are now discussing, which is a proof that the Irish landlords are, as a body, politically weak, and that they are not capable of holding their own in the open fight of politics. I confess that what has passed recently on the Continent has impressed itself deeply upon my mind, and I have no doubt that it has equally affected the minds of your Lordships. The fact that a Government across the water, in spite of many faults and many shortcomings, in spite of financial failures and political blunders, should have been supported by an overwhelming majority of the peasant-proprietors, shows the existence of a state of political security which Irishmen may well envy. I wish that I could be as certain that an approval of the present state of things—were the matter submitted to the universal suffrage of the Irish people—would be expressed by three out of every four of the population. The words I have uttered may not be acceptable to this Assembly; still, while it may be right to oppose the artificial separation of property, there would be more security in Ireland if the base of property were widened. I have said this much, because I hold that, on a question of this kind, I am bound to express my true feelings, and because I feel that no Government can be secure unless a large number of persons are personally interested in its maintenance. While taking this view, I cannot say that I approve the machinery by which the clauses to which I have referred are proposed to be carried into effect; neither do I think that there will not be some waste of public money resulting from the scheme—but on the broad and general ground that it will widen the basis of property in Ireland, I confess that I am in favour of the plan. Upon this point I can only express my regret that I should have differed so greatly from the noble Lord the Member of the Government who has just spoken. Having thus adverted to the white, I must now begin upon the gray parts of the Bill—those portions of it, the intention of which I respect, but the machinery of which I disapprove—I mean those which limit the liberty of contract for the future. Now, I have heard it said that it is an unheard-of thing, and opposed to all doctrines of political economy, to fetter the liberty of contract between landlords and tenants. But, when I am told that a thing is contrary to the doctrines of political economy, I confess that I never exactly know what the expression means. Political economy is an oracle whose utterances we profoundly respect; but which, like a certain oracle of old, is apt to suit its utterances to the wishes of those who have the guardianship of it for the time being. On a certain occasion, when the Delphic Oracle was in the power of the Macedonian army, its utterances were said to be "Philippized," and I am afraid that the utterances of political economy now-a-days are only too apt to be "Gladstonized." When I first entered Parliament, it used to be regarded as an axiom, that could not be controverted, that commercial treaties were founded on erroneous and unsound principles, and could not be for the benefit of the countries entering into them. Circumstances, however, have changed; political economy has reviewed its doctrines; and commercial treaties are now regarded as the most orthodox things imaginable. Again, some time ago, it was a fundamental doctrine of political economy that Governments should not enter into manufacturing operations; whereas, it is now actually proposed that our Government shall manufacture coin for foreign States, and I presume political economy has altered its language accordingly. And so it is with regard to liberty of contract. Formerly, it was supposed that political economy required that the power of contract should be unrestricted; whereas now nothing can be more admirable or more just than that people should be deprived of that power. Amid all the vagueness and uncertainty that prevails upon the subject, there is, at least, one proposition on which we feel absolutely certain, and that is that political economy is the property of the Liberal party, and that, therefore, its doctrines must take whatever form may best suit their views for the time being. Well, my Lords, I will now pass from political economy, and will descend to the common-sense question of whether the provisions of the Bill in restraint of freedom of contract are, or are not, expedient. In the first place, I do not doubt for a moment that it is within the competence of Parliament—if Parliament should choose so to act—to limit the freedom of contract; and there can be no more striking illustration of that proposition than the Usury Laws, which were passed for the purpose of preventing extortion in pecuniary transactions; and Parliament then, believing that ordinary people were too weak to stand up against the money-lenders, as they now believe the Irish tenants are unable to stand up against the landlords, passed artificial laws for their protection, and made certain contracts void. I do not think it can be disputed that it is within the competence of Parliament to pass such laws; but I think it will be admitted by everyone who examines the history of the subject, that the policy of interfering with the making of contracts, except in matters which affect human life, is one that has been constantly on the decline; and that, year after year, Parliament has retraced its steps for the steps of our forefathers, and got rid of these restraints on contracts. The noble Earl who moved the second reading of the Bill gave a mutilated view of the English law when he said that it was forbidden for adult shipowners to engage adult seamen. I do not know what infant shipowners and infant seamen are allowed to do by law; but I presume he referred to the provisions of the Passengers' Act. Those provisions are not connected with this case at all, because they refer to the matter of human life; and this overruling principle has always prevailed, that Parliament does not recognize that any man's life is his own property; that it is the property of his country, and Parliament always has interfered, and I trust always will interfere, with a strong hand to prevent people from imperilling their own lives. With regard to contracts in other matters the other rule has prevailed, for this reason—because it has been found, by unvarying experience, that whenever you try to prevent two people who wish to contract from contracting as they like, they will contrive in some way or other to evade the provisions of your law. That was found in the case of the Usury Laws, and in other laws of the same nature. It has been found that those laws were perpetually subject to evasion, and we have had to retrace our steps. That will be the case with this Bill, and the astuteness of Irish lawyers has been very much overrated by those who know them, if any part of these provisions against free contract are not such as any one of them can drive a coach and six through. It is not for me to suggest the ways in which the legislation proposed by the Government could be evaded; but I think it could be easily done in several ways. In the first place, there is the very obvious mode of consolidating farms until you bring them up to £50 in value, and of making the tenant of one of these consolidated farms the fictitious servant of the other; or the landlord may induce his tenants to become fictitious servants to himself, and thus take them out of the operations of the law. Many other ways will be discovered by which these provisions can be set aside; in fact, I cannot help feeling that with the powerful legal ingenuity at the service of the Government, these clauses have been designed more for the satisfaction of a political cry than for the future good of Ireland. At the same time, the object is to give tenants sufficient compensation for their improvements, or that their tenancy should be sufficiently secure; and, in this respect, I freely admit that the intention of the clause is good. The manner of securing these objects, however, is utterly inefficient. Now, I regret to say I come to what I must call the black part of the Bill; and I call it black, because it is very difficult in such a case to avoid substantives and adjectives which have reference to the Tenth Commandment. I am anxious to avoid saying anything of a personal nature; and I have good reason for saying—not as a mere matter of courtesy, but as a matter of positive belief—that I admit fully, in justice to the Government, that it must be said that the failure of the machinery of Parliamentary government in dealing with this matter of Ireland, has prepared for them a difficulty which was not entirely, or at least not mainly, of their own seeking; and, therefore, if they have adopted some eccentric mode of getting out of it, all the blame should not be laid upon them. What do they do? There is some objection to using the word "spoliation," which, we are told, was once prevalent, though not pleasant to ears polite; the Government is very much insulted if such a word is used, and regard it as evidence of an extravagant disposition and a violent temper; but I entreat the House to consider, apart from the circumstances of Ireland, and apart from the disturbing question of the moment, what it is we are asked to do? We agree that the tenant is to be fairly compensated for all his outlay on the soil, and we agree that every true custom—that is, every custom which has been assented to by both sides—should be observed. When you have agreed to these two things, you have disposed of absolutely all the right the tenant has to the land. He has not, beyond that, an atom of right to the land—there is no law, there is no principle known to English jurisprudence which will give a man any right beyond these two; and yet you propose that in certain contingencies he shall have a sum varying from one-fourth to one-third of the value of the land he occupies. You take from the landlord that money; you put it into the pockets of the tenant. The fact that this is done only in the event of certain contingencies does not alter the character of the act. A robbery is a robbery, whether it is certain to occur daily or only on certain conditions. And on what grounds do you do this? What defence is advanced for it? I am told by the noble Lord who has just sat down, in that part of his speech which was devoted to wiping away the defects of his earlier arguments, that it is the poverty of the Irish tenant which justifies this course; and, in the same way, the Prime Minister, when asked in "another place" for what loss the tenant was to be compensated, replied that the tenant's loss was the loss of his livelihood; he had nothing before him but the workhouse or America. Is it come to this, then, that we are to compensate everyone who loses his employment, the loss of which would expose him to the workhouse or America? Are you prepared to accept that proposition in its breadth—to apply it to all circumstances of life, and to all parts of Her Majesty's dominions? We have had great distress recently in the East-end of London. We have had dockyard labourers living on the very verge of their resources. If they were "disturbed" in their employment, their loss was to them the choice between the workhouse and America. Would you be prepared to entertain a measure forcing their employers to give them seven years' wages as compensation upon dismissing them? ["Hear, hear!"] The cheers I hear from the Liberal side lead me to believe there are many Members of this House who are prepared to go so far; but I cannot believe that the employers of labour of the House of Commons who voted for this measure would be prepared to go so far. But where is the difference between these two cases? The Government seems to be content to say that this applies to Ireland only, and that they do not intend it should be applied to England; they appear to be of opinion that a consequence ceases to be logically deducible where they refuse to deduce it themselves; they seem to think that whenever they shut their eyes the sun goes out. But it is not speculative politicians who will have the deduction of this argument—it is men all over the country who are struggling for their bread, and who well know that it is upon the decision on this argument their livelihood depends. When they hear that there is a large class in the neighbouring country, having no rights whatever in the soil, who have been compensated out of their landlords' pockets for the loss of their employment at the rate of seven years' wages, they will say to themselves—"What have these people done that they should be so much better off than us?" And what will the answer be? "Why the difference between you and them is this—that you have submitted quietly to be dismissed from your employment, while those in Ireland who have been compensated on this extravagant scale have shown their worthiness of it by shooting those who refused to keep them on their farms." The difference between England and Ireland is this—that in England we put up with loss of bread, and in Ireland they shoot their employers; a paternal Parliament, therefore, compensates the Irish to induce them not to shoot their landlords. Well, my Lords, I know I shall be told the old cuckoo cry that the circumstances of Ireland are different; but it is of no use to say the circumstances are different unless you show me in what way they differ. I say these Irish tenants have no right by law. I am an Irish proprietor; I pick up a man from the streets; I put him on a farm and make an agreement with him from year to year; two years afterwards you say I must pay him seven years' rental if I turn him away from my farm. I know there are many cases of long hereditary tenures; but if you intend to plead these in extenuation of what you are doing, you should confine the operation of the law to them alone. As it is, you leave the law so general that it will apply to short tenancies as well as long, and you are setting a precedent for all other departments of labour which you will assuredly one day regret. My Lords, I feel that in this legislation you are doing a great deal more than simply giving the money that belongs to one man to another; you are doing more than bribing one class by plundering another; you are teaching a lesson which will not be forgotten; you are teaching the landlord that if he deals liberally by his tenants, allowing the tenure to descend from father to son, his liberality will some day be used against his class, and that which he did in charity will be made his obligation; you are teaching him that if it was his custom to give money to those whom he wished to assist in their new career of life, he is sinning against the interest of his class and preparing loss and injury for them in the future, for what was his charity will be made their obligation; you are teaching the capitalist that if he again listens to Parliament when Parliament urges him to invest money in land, Parliament may come down a few years afterwards and take a third or a fourth of the value of his investment from him. And, I fear, these lessons will not be forgotten. By this Bill you will make an obligation of all that which good Irish landlords have done out of the honesty of their hearts; and you will be holding up generosity and kindness as subjects for penalty; you will discourage—nay, almost forbid, exhibitions of generosity for the future. From this time forth you must not hope for cordial relations between landlords and tenants in Ireland. From this time forward every landlord will look upon a tenant as an enemy holding adverse possession, and as one who has been an accomplice in the agitation which has divorced from him his rights. At all events, every landlord will be anxious to repurchase his estate, and to clear off all the encumbrances which have been thus suddenly put upon it, and henceforth there will be very few landlords who will ever forgive their tenants a penny of their rent. He will seize every opportunity of wiping away the unjust terms which Parliament has imposed upon him. The Prime Minister, in introducing the Bill, went through a melancholy catalogue of the measures which had been proposed for the relief of distress and the redress of wrongs in Ireland, and showed that while the intention in every instance was good, the object aimed at had scarcely ever been attained. I fear that catalogue is too true; for some malignant spirit appears to have presided over all our legislation for Ireland, so that it may be truly said with reference to recent Irish history that Irish disaffection has commenced from the moment when English concessions began. I am afraid you are now only about to add one more item to the melancholy catalogue. You complain of absenteeism as a great evil; but you are about to divorce the landlord from the management of his property, to make him powerless to remove a Ribbonman or a Fenian who may establish himself upon it, and to render the neighbourhood so unbearable to him that absenteeism will become almost a necessity. You complain that capital does not go to Ireland, and yet you are about to set up one of the grossest instances of faithlessness to Parliamentary obligations which—I had almost said—any civilized Government has recently displayed. And I fear that, at a time when you are complaining that the division between classes in Ireland is the one great evil—at a time when you are ransacking history to find how that division arose, and are rushing into extreme measures to bridge over the gulf—you are establishing a new source of difference between landlord and tenant, and adding one more to the causes of the acrimonious dissensions which already separate so widely the various classes of the Irish people. I respect the intentions and wishes of the Government in bringing forward this measure. I believe they are sincerely anxious to put an end to the somewhat disgraceful history of the connection between England and Ireland in modern times; but I do not believe that end is to be attained by disregarding every sound principle which our legislation has hitherto observed; and least of all do I believe that English optimism is the quality by which Ireland can be relieved.

THE EARL OF KIMBERLEY: My Lords, Her Majesty's Government has certainly no reason to complain of the tone in which this measure has been discussed by noble Lords on the Front Bench opposite. I should prefer to dwell, my Lords, in the first place on those points in regard to which I entirely agree with the noble Marquess (the Marquess of Salisbury) who has just addressed you. It was with great pleasure that I heard the noble Marquess state that he approved the Compensation Clauses of the Bill. That circumstance in itself shows how great an advance we have made on this question, and how much public opinion has changed since the introduction into Parliament of the measure known as Mr. Chichester Fortescue's Bill. I rejoice further to find that in the principle of retrospective compensation the noble Marquess finds nothing to disapprove. The next portion of the Bill which the noble Marquess approves is contained in those clauses which are based on the scheme first proposed by my right hon. Friend, Mr. Bright, and which are spoken of as Mr. Bright's Clauses. It might, perhaps, seem to some of your Lordships that Her Majesty's Government were lukewarm in support of those clauses; but for myself alone I must confess that I most earnestly concur in the remarks made by the noble Marquess upon this subject, and sincerely hope that the House will act upon the advice he has given. I freely admit the difficulty of introducing the system and of maintaining it, but it is, at all events, well worth while to make the experiment, and it will be much better to try it on a small scale at first, because if it is successful it will be very easy to extend it. I agree with the noble Marquess in thinking that nothing can be more advantageous—nothing can be more conducive to the safety of the large landlords than that they should have the support of a numerous body of small landlords interested in the preservation of property and order. An obvious objection to Mr. Bright's scheme is that it is not desirable to allow large numbers of tenants to become owners of property and debtors to the Government. I wish, however, to point out that the men who purchase these properties will have to give a large security to the Government in the shape of the one-third of the purchase-money they must themselves contribute. Here, then, we have a guarantee that the money advanced will be punctually paid, and in my opinion the scheme will not be so complete a failure as some suppose. In Ulster the tenants have invested, it is said, £20,000,000 in *quasi* property, which is merely secured to them on the honour of their landlords, and if the Irish people have so strong a desire to possess property it is extremely probable that these clauses will have a much wider application than is generally imagined. The noble Marquess then came to what he called the "gray" portion of our Bill, and objected to limiting the freedom of contract. He said, and with truth, that in this country the tendency has been more and more in favour of freedom of contract, without the interference of the law, and he argued that it was going backwards to introduce legislation of this kind with regard to Ireland. Now, I do not for a moment dispute the accuracy of the facts adduced by the noble Marquess. I admit there is a growing tendency in this country in the direction of allowing contracts to be freely entered into; and I even admit that this is a retrograde step when compared with the state of affairs in England and Scotland. But while I think that under a system of free contract the state of agriculture will improve in England and Scotland, I am prepared to assert that the economical principle of freedom of contract is not the principle which can as yet be applied to agricultural contracts in Ireland. Ireland is a country of small holdings. Out of a total of 682,000 holdings, no less than 644,000 are under £50. It appears, too, that there has not been the largest amount of agricultural prosperity in those parts of the country where freedom of contract has prevailed. Indeed, agriculture has flourished most in that part of the country in which the principle of free contract has been most violated—I mean in the Province of Ulster. I agree with my noble Friend behind me, that, looked at in a purely economical point of view, it is scarcely possible to imagine a custom which would be more prejudicial to agriculture than the Ulster custom. In the first place, it is clear, theoretically, that the custom reduces the amount of rent; because, if a sum of money is to be paid by the tenant on entering into possession, it is clear he cannot pay so high a rent as he otherwise would, and the profits of the farm must be *pro tanto* diminished. But this being the theory, what are the facts of the case? In point of fact, the rents in Ulster are higher than in the rest of Ireland; a fee simple is worth a larger number of years' purchase, and the tenants are more prosperous than in the other Provinces, while, instead of there being litigation and discontent, it is the one part of Ireland where they least prevail and where there is a comparative immunity from agrarian outrage. To solve this most difficult question you must base your measure on Irish experience and Irish usage, and you may reasonably infer that this is an economical principle well suited to the case. What then was the conclusion the Government were entitled to draw from this state of facts? If you found that a custom of this kind was successful in one part of Ireland, it would be reasonable to inquire whether that custom was introducing itself into other parts of the country, and whether it would be desirable to extend it? We know that this custom, being congenial to the Irish mind, was, to use the expression of one of the Inspectors, "creeping" over the rest of Ireland, and we found that even where the Ulster custom did not prevail there existed, according to the Inspectors, payment for goodwill. That being so, it seems natural to conclude that you may extend the system to the rest of Ireland in some modified manner, and that is the effect of the Scale Clause. If you introduced the Ulster custom simply into other parts of Ireland, you would have a great violation of the rights of the landlord, for this reason—that, under that custom, the amount of rent to be obtained is a competition amount, and hence there is this difficulty, that under that system it is essential you should limit the rent. Now, we have not wished to propose a general valuation of rents in Ireland; and, where no payment for goodwill is established, to fix the precise amount of the rent which should be paid would be to proceed upon an entirely arbitrary calculation, founded on no principle. There is one portion of the Bill which the noble Marquess (the Marquess of Salisbury) says he looks upon as being entirely bad, and which he seems to regard as neither more nor less than a spoliation of the landlord. Now, I would point out to the House that if nothing whatsoever is to be given to the tenant but that to which he is actually entitled by the letter of the law, the noble Marquess must in consistency object to the clause which legalizes the Ulster custom; because, although that custom is regarded by the landlord as binding in honour, yet it is a custom which is based on no law, and which cannot be enforced in a Court of Law against a landlord, except in so far as he acquiesces in it. By legalizing that custom, therefore, you distinctly take away from the landlord a portion of his rights. In considering, however, what the rights of the landlord are, you must take into account whether the act which you are about to do is likely to be beneficial to him or to increase the value of his property; and whether, if you were to extend to the rest of Ireland the system which has promoted prosperity in Ulster, it would not equally tend to promote the prosperity of the whole of that country? Now, if it turns out—as we think it will—that this measure should produce the same amount of contentment in the rest of Ireland as the Ulster custom does in Ulster, and if the value of land in the Provinces of Connaught and Munster should be raised in the same way, would any injury, I would ask, under those circumstances, be done to the landlord? Suppose the Bill operated so beneficially that agrarian outrages should greatly decrease, do you not think that increased security is a thing which it would be most desirable to purchase by such concessions as landlords are called upon to make under the provisions of this Bill? Are we calling upon the landlords of Ireland to do more than is done by a good landlord now? If you look into the Reports of the Poor Law Inspectors you will find that it is the general practice of the landlords, when they happen to evict a small tenant, to give him a sum of money to take him to America, or to set him up elsewhere; and, practically, this Bill does no more for the tenant than is done at present every day by the good landlord. But the noble Duke opposite (the Duke of Richmond) says that we mulct the good landlords in order to meet the case of the bad. The fact, however, is that it is the good landlord who is mulcted as things at present stand, and if the bad landlords—and they are, I am happy to say, small in number—can be prevented from doing acts which tend to raise feelings of discontent nobody will gain so much as the good landlord by such a result. The noble Marquess endeavoured to frighten us with a description of the consequences which might ensue if the principles of the Bill should be thoroughly understood in England, and brought across the water to be applied not only in the case of agriculture, but to the general relations between employers and labourers. With respect to that point, it seems to me that the noble Marquess answered himself, because he pointed out that in this country the tendency was more and more towards free contract. That I believe to be the fact; and I do not look upon it, therefore, as being in the slightest degree probable that this portion of the Bill to which the noble Marquess so strongly objects is likely to be made applicable to this country. What is more, I do not think the intelligent farmers of England and Scotland would desire that it should be so; while the principle I maintain will be likely to work well in Ireland, it being one of its merits that it will not introduce a cast-iron system, because if you can consolidate farms and establish habits in accordance with the English and Scotch system this Bill will not prevent that from being done. [Lord CAIRNS: Hear, hear.] I infer from the cheer of the noble and learned Lord that he looks upon this as a strong encouragement to the consolidation of farms, and considers that one of the results of the Bill will be evictions to a greater extent of small tenants. The process will not be so easy, however, as the noble and learned Lord may imagine, because the landlord will have to take into account the sums which he will have to pay before he can consolidate farms in this manner. With regard to the labourers, the case of the two countries is not analogous. There is this difference between England and Ireland—that in Ireland there is no employment for the people except in agriculture. There are occasions, no doubt, when, owing to stagnation in trade, artizans or labourers here may be unable to procure work; but, as a rule, you have not in this country the cruel alternative which exists in Ireland, where the labouring population must either be employed in agriculture or not be employed at all. In England, except in times of exceptional stagnation, the alternative is never presented to the people of the workhouse or America. I think the noble Marquess went beyond the bounds of historical accuracy when he suggested that Irish disaffection came into existence about the time of English conciliation.

THE MARQUESS OF SALISBURY: I said "English concession." What I meant was that the historical period of English concession commenced about 1778, and the historical period of Irish disaffection about 1779.

THE EARL OF KIMBERLEY: Yes, the noble Marquess believes that the period of concession by England was the period of disaffection in Ireland. Now, I always had a notion that Irish disaffection was of much more ancient date than that assigned to it by the noble Marquess. I will not take your Lordships through a course of Irish history; but whatever period of Irish history I have ever taken up I have invariably found disaffection. You shall go back to the Wars of the Roses, and down to the reign of Elizabeth, when the despatches written to the Queen by the Lords Deputies were full of complaints of disaffection. You shall go from the reign of Elizabeth down to the Revolution; and then, no doubt, there was a period of exhaustion and apparent quiet in Ireland. As soon, however, as Ireland ceased to feel that exhaustion, and found England in a difficulty, disaffection broke out again. You then repealed your Penal Laws. Does the noble Marquess think that Irish disaffection, caused to a great extent by these Penal Laws, was occasioned by the repeal of those laws, and that it would have been better to refuse all concession? If he does not think so, what other policy than that of concession could England pursue? Are you to say, when disaffection shows itself—"We will not attempt to remove it, because concession is followed by disaffection?" I say, on the contrary, that when you find chronic disaffection in Ireland you are bound to try to remedy it, and to shrink from no sacrifices until you have removed the cause of disaffection. I acknowledge the failure of past efforts by this country to remove it. Successive Governments have met with the same failure. But Englishmen are not to be permanently baffled. Parliament showed last year that it would not shrink from sacrifices in the effort to remove disaffection in Ireland, and I hope the same spirit will be shown now. He would, no doubt, be a sanguine man who would prophesy the result of any measure in Ireland. It is possible that this Bill, like others, may fail; but I augur well for its success, from the tone of the debate in this and in the other House of Parliament. I acknowledge the generous feeling towards Ireland which has been shown in the speeches of some of your Lordships. Still, the Bill may fail; but if it succeeds I trust that your Lordships will have laid the axe to the root of Irish disaffection, and will have conferred on Ireland a benefit greater than that which your ancestors have ever conferred.

THE EARL OF BANDON said, he would not follow the noble Earl the Lord Privy Seal into the question of ancient Irish disaffection, but would remind him that the Penal Laws were enacted, not by an English, but an Irish Parliament. He confessed that he was unable to discover what was the real meaning of Mr. Bright's Purchase Clauses; but the noble Marquess (the Marquess of Salisbury) seemed to think that they would result in the creation of a small proprietary in Ireland. If the object was to create a peasant-proprietary in Ireland, he believed it would prove perfectly illusory. It would be inconsistent with every principle, and would, if really effective, create the greatest jealousy in those who would not be the recipients of the bounty of Parliament. But he had specially risen to refute the charge that had been brought against the South of Ireland. It had been asserted that there leases were the exception, and security of tenure did not exist. The fact was, in the large county of Cork about two-thirds of the land was held under lease. He hoped that he correctly understood the noble Earl who introduced this Bill that he did not intend to interfere with existing leases. If the Bill did so, he could not help thinking that it would throw the whole property of the country into confusion. Having had much experience of the landlord and tenant question in the course of his residence in Ireland, and having sat for several years in the House of Commons, he could not agree with the Prime Minister in regretting that former Bills upon this subject had not been carried. On the contrary, he thought that it was the greatest blessing that none of them were carried, and he wished he could hope the same of the measure that was now before them. His own experience led him to believe that it would be the greatest blessing to Ireland that they should do nothing at all; but if it were considered necessary that some measure should pass, he implored their Lordships so to frame the clauses of the Bill as to avoid what everyone dreaded—the creation of endless litigation in Ireland. With regard to the Compensation Clauses, they enacted what practically every landlord at present gave to his tenants; but it was a very different thing to give from generosity, and to be compelled to give by law. Not one of his own labourers paid him rent, and it would be deemed a scandal if one who had grown grey in his service went to the Union; but would Parliament pass a law to make him pension them off liberally? He would now refer to the Bills that had been brought forward from time to time on the same subject. Mr. Sharman Crawford introduced a measure which failed to meet the approval of Parliament, although it did not go to the lengths of the present Bill. He (the Earl of Bandon) believed if the Government had adopted some of the principles of that Bill they would have averted much of the mischief which the introduction of the present Bill had occasioned. The late Sir Robert Peel, though desirous of conceding much to the Irish people, condemned in the strongest language the principle of fixity of tenure, and if the Government had come forward, in the first instance, with a declaration condemnatory of the demands set up by some of the Irish agitators for fixity of tenure, they would have probably dissipated such an idea, and prevented its growth. The Bill of the Government of 1845 was unsuccessful because it was denounced by Mr. O'Connell and the Repeal Association of Ireland. Again, in 1852, the Government failed to carry Mr. Cardwell's Bill, which would have been of the greatest advantage to Ireland, because it proposed that the tenant should make improvements without the consent of the landlord; and Lord Mayo's Bill, although it contained provisions of the greatest importance, because it contained conditions which changed the relation of landlord and tenant in this respect. He quite agreed with the noble Lord the Chancellor of the Duchy of Lancaster (Lord Dufferin) that the great evil of Ireland was the existence of a large population wholly dependent upon the soil for their livelihood. But why was that? Was it not because no attempt had been made by the British Government to introduce manufactures or other employments for the people into that country? If the Government had adopted that wise policy of fostering a manufacturing industry in Ireland, they would have done more to improve the position of the people of Ireland than any such measures as the present could effect. The Prime Minister in 1862 declared that he knew of no boon that could be conferred upon Ireland, so comprehensive in its operation, so impartial, so free from the taint of suspicion of ministering to one particular interest, as the development of its railway system—

> "—— Video meliora proboque,
> Deteriora sequor."

The Irish landlords were accused of appropriating the improvements of their tenants; but what could be more practically absurd than such an accusation? If he were to appropriate a tenant's improvements he would suffer more than the injured tenant, for he would find that no man would put any trust in him again. The wording of some of the clauses was such as made them very difficult to understand. There seemed to be a distinction attempted between towns and large villages, so that different rules would come into operation on contiguous portions of his own estate. As to the compensation question, it should be recollected that there were in Ireland what were called middleman's leases, under which it would be almost impossible in many cases to ascertain who had really effected the improvements on the farm, or at what time they had been made; it would, therefore, be difficult in such cases to carry out this principle of compensation. He particularly objected to the recognition of retrospective compensation in the Bill, because he thought it would operate most unjustly; and if you took from one person what confessedly belonged to him and gave it to another, where were you to stop? Then, again, he was opposed to the presumption that every improvement had been made by the tenant, unless it was otherwise shown by the landlord. There would be many cases in which the improvements had been made, not perhaps by the landlord himself, but by the tenant at the landlord's expense. Was it very likely that the documents necessary to prove this would be forthcoming? He hoped, upon reflection, that the Government would see the justice of giving up that principle. He also thought the scale of compensation much too high. It was advocated as a penalty upon the landlord which would prevent him evicting the tenant; but the same penalty would prevent the landlord taking up the land when he required it for purposes of improvement. Their Lordships had read of an instance in which the landlord was anxious to build houses, and was deterred by a tenant who asked enormous tenant-right compensation, so that the whole population on the estate suffered; and he knew instances in which this provision would very much increase the difficulty of getting land when it was required for such a purpose. The most objectionable part of the Bill he took to be the assignment of the tenancy, without the consent of the landlord, to another tenant. He had often told his own tenantry that it was much more for their interest than for his that a bad man should not be brought upon the estate. Much had been said about the changes of tenants. He must say, however, that when looking over the roll of ratepayers in his capacity as Poor Law Guardian, he found that there was very little change of tenants in the district from one year to another; and of those who had formerly been engaged in the cultivation of the land very few indeed had been driven to the workhouse; on the contrary, he found the larger part engaged in setting up shops in the small towns and villages; and he believed that a gradual feeling was coming over the minds of the people of Ireland that small farms would not pay. He would say, farther, that whatever the intention of the Government might be, the consolidation of farms would be the undoubted result of this Bill. He would remind the House that they heard nothing of this tenant-right cry two years ago. He would remind the House of another historical fact, that in 1715 there was the same cry of oppression to the tenant-farmer as there was now—that the Irish land was all laid down in pasture; and to relieve the people Archbishop Boulton brought in a Bill obliging the landlords to lay down five acres for tillage for every 100 that was devoted to pasture. Professor Woodward showed only 16 years afterwards the misery and distress that resulted from the Archbishop's measure. And so it would be now, for he believed that in allowing the subdivision of land as this Bill did, they were stereotyping the miseries of Ireland. He believed that the true policy would be to develop the resources of Ireland, to extend her trade and manufactures and develop her railroads; by adopting this policy they would make Ireland a prosperous, a happy, and a united people.

LORD MONCK said, that notwithstanding the observations he had heard from noble Lords opposite, he was still of opinion that both political parties were what lawyers called estopped from denying the necessity for legislation as to the land question of Ireland; because successive Ministries had brought in Bills for which there would be neither justification nor excuse if the present state of the law was satisfactory. The problem which had to be solved, in order to estimate the adequacy of the measure now proposed, related to the true nature of the grievance which it was sought to redress, and what were the objects that should be kept in view. The grievance appeared to him to lie very much nearer the surface of society than seemed to be the opinion of most noble Lords who had spoken in this debate. Speaking on this subject from a personal experience of considerably more than a quarter of a century, and acquired in the South and East of Ireland, and judging also from what he had observed in connection with emigration, he inferred that although evictions might seem to be numerous, yet, compared with the number of holdings, they would be found to be exceptional cases. The testimony of gentlemen who had made this matter a subject of special investigation, and who were certainly not animated by any friendly disposition towards the landlords of Ireland, was that rents in that country were not too high. From a variety of sources of information he came to the conclusion that fixity of tenure was practically the rule in Ireland, and that the tenants enjoyed hereditary succession on many properties as regularly as their landlords. But, although he entertained a good opinion of the general body of landlords, he was bound to admit that there was a large minority who, either from a desire for inordinate power or with a view to excessive gain, exercised their legal rights in a way which brought discredit on the class to which they belonged, and created feelings of discontent among the tenants of Ireland.

It was against the acts of such men as these that Parliament was called upon to legislate; and it was a good omen for the satisfactory settlement of this question that the rights which Parliament was asked to abridge or abolish were those which the righteous and just landlords of Ireland had already relinquished; for, if the majority of landlords had of their own accord already given up the exercise of extreme rights, it could be no hardship to impose the same rule on the unrighteous and unscrupulous members of their class. A reference to authorities from the time of Elizabeth to the present would show that the liability to disturbance had always been a great grievance in Ireland, and that uncertainty of tenure had prevented the possibility of good cultivation of the land, or of energy and contentment among the people. But there was a still more important cause of dissatisfaction, which must never be forgotten in considering this question, because it seemed to be the key to all their grievances and to afford a justification for the provisions of this Bill — namely, that everything necessary for the profitable occupation of the land was the work of the tenants. No one could have lived among the Irish people without learning that among them local attachment worked with the intensity of a passion. He left it, therefore, for their Lordships to imagine what must have been the state of feeling among the people of that country when the irritation caused by the general uncertainty of tenure was aggravated by exceptional instances of injustice. In his county there was a tradition that it was at one time one vast oak forest; and that tradition was expressed in the saying that a squirrel might have passed from one end of the county to another without touching the ground. The greater part of that land was now in a productive condition, and had been made so by the unassisted efforts of the tenant. In such a state of things, was it to be greatly wondered at if a feeling of sullen discontent existed which was apt, on sudden provocation, to break out into disorder or open resistance to the law, even leading sometimes to outrages which could not be extenuated or palliated? The evils and the grievances to be remedied suggested the objects to be kept in view in their legislation. In the first place, they ought, in the interest of the public—for whose advantage it was that they should obtain the largest amount of produce from the soil, to secure to the occupiers in Ireland such a tenure as would encourage their enterprize. In the interests of justice, also, they ought to secure to the tenantry a legal right to that portion of the value of the soil to which he believed they had an equitable claim, because it had been the creation of their capital and industry. And, farther, in the interest of the public peace, they should endeavour to provide as far as possible against those hostile relations between landlord and tenant which produced so much mischief in Ireland and which were incident to the present mode of managing property in that country. Those were the tests he wished to apply to the Bill before their Lordships; and, looking at the measure from that point of view, it appeared to him that by giving the sanction of law to the custom of tenant-right in Ulster, and to analogous customs prevalent in other parts of Ireland, they, so far as those customs were concerned, gave additional security to the tenure by which the tenant held his land; while, by the fines they imposed on the disturbance of occupation, they at once secured that object, and recognized, according to his notion, the right of the tenant to the ownership of a certain portion of the value of the soil. So far in principle and in practice the Bill was satisfactory to his mind. But there he was obliged, to a certain extent, with much reluctance, to part company with his noble Friend; because, looking to the third object which he had pointed out—namely, the prevention of hostile collisions between landlord and tenant, he was bound to say there were provisions in the measure which would not only not attain that end, but would have a contrary effect. In all the schemes of tenant-right put forward by the farmers of Ireland and those who represented them—and the fact was highly to their honour—none that he had ever seen failed to include a provision for giving the landlord any future increase of rent due to the increased value of agricultural produce, and to the advancing prosperity of the country, or to any expenditure that he might make on the holding. How was that proposed to be done by this Bill? Supposing he had a tenant with whom he found no fault, except that he did not think he paid him enough rent, and that he did not want to disturb him in his holding, or to quarrel with him. He asked him to pay an additional rent, and he refused to do so. His only course under the Bill was to serve the tenant with notice to quit, and when that notice expired, the tenant might at the end of a year claim compensation. The landlord could then serve him with a counter notice, stating that he had offered him the farm at a fair rent, and that he would go into Court. Why should it be made obligatory on him to go through that odious and protracted process in order to obtain, at the end of about a year and a-half, the legal decision of a question which was as ripe for determination at the beginning of that period as it was at its close? Bad blood and ill-feeling between landlord and tenant would thus be needlessly excited or prolonged. Why should not the question whether the rent proposed was fair and reasonable be referred at once to the Assistant Barrister or the Civil Bill Court? The operation of that provision would be to leave it in the power of unscrupulous and unrighteous landlords — the very class whom they desired to control —to harass their tenants, and embroil the relations of landlord and tenant throughout the country just as much as they did now; while the just and forbearing landlord would be placed at a disadvantage in seeking to obtain that fair increase of rent to which he was entitled, by reason of the increase in the value of produce or in the prosperity of the country. Then, in regard to appeals, he had had the advantage of consulting some of the Irish Judges on that point, and their opinion was that there was too great a multiplication of appeals under that Bill. It was proposed that appeals should go from the Assistant Barrister or the Civil Bill Court to the going Judge of Assize, and again from that tribunal to the Court for Land Cases Reserved. What had been suggested to him was that the Judge of the Civil Bill Court should be empowered, where he thought fit, to state a case to go direct before the Court for Land Cases Reserved; so that a binding judicial decision might be got from a Court of high authority on any question of that kind —a mode of proceeding that would be less expensive and less onerous to the suitor. He must say, in vindication of himself, that he regretted that the Government had not accepted in the other House the alternative provisions of the Bill known as Sir John Gray's scheme of permissive tenant-right—a proposition which, he thought, if adopted, would have contributed to the satisfactory settlement of that great question. On the whole, however, considering the Bill contained so much that he valued and heartily approved of, he should still support the second reading, and he must confess he heard with great satisfaction the declaration made that evening by the noble Duke (the Duke of Richmond) that it was not the intention of the great party opposite to take a Division at that stage of the Bill or, at least, not to make a party Division of it. He had heard that announcement with the greater satisfaction, because he had lately learnt the views of the noble Marquess (the Marquess of Salisbury) on a kindred subject, when he said that the policy of conciliation for Ireland was a failure and had reached its limits.

THE MARQUESS OF SALISBURY: I never made use of that observation. I dare say it is true; but I should like to think a little before I say so.

LORD MONCK said, the noble Marquess had used the substance of those words on the debate on the Peace Preservation (Ireland) Bill. He had only referred to them in order to express a hope that the noble Marquess and the great party with which he acted would deal with this question in a large and generous spirit, and that they would prove to the majority of the people of Ireland—and it was of great importance to establish the conviction in their minds —that while they were determined to maintain the rights of property as far as they were consistent with equity and fairness, they were equally resolved that no reasonable complaint of the Irish people should be left unheard, and that nothing that could be fairly called a grievance should remain unredressed.

LORD CAIRNS moved that the debate be now adjourned.

Motion *agreed to:* Debate adjourned to *Thursday* next.

House adjourned at a quarter to
One o'clock, A.M., to Thursday
next, half past Ten o'clock.

# HOUSE OF COMMONS,

*Tuesday,* 14*th June,* 1870.

MINUTES.]—New Member Sworn—Alexander Dundas Whishart Ross Baillie Cochrane, esquire, *for* the County of the Isle of Wight.

## INDIA—ARMY REGULATIONS.

### QUESTION.

Colonel NORTH said, he wished to ask the Under Secretary of State for India, Whether the Code of Orders called "Cochrane's Regulations for the European Officer in India," is published by the authority of the Secretary of State for India; and, whether the Regulation at page 725 of that Code, which states that "the final jurisdiction in all disputed questions of prize now rests with the High Court of Admiralty," has the sanction of that authority, and still remains in force for the information and guidance of officers in India?

Mr. GRANT DUFF: Sir, Mr. Cochrane's excellent work is published by authority, and correctly states on page 608 of the revised edition that the High Court of Admiralty

> "Has jurisdiction to decide all matters and questions concerning booty of war which it shall please Her Majesty, Her Heirs and Successors, by the advice of Her and their Privy Council to refer to the judgment of the said Court."

My hon. and gallant Friend will see that the words I have cited must be added to the words he has cited in order to put before the House Mr. Cochrane's full statement, and in justice to that most accurate and useful public servant.

## TRADES UNIONS.—QUESTION.

Mr. MELLY said, he would beg to ask the Secretary of State for the Home Department, Whether he proposes to bring forward the promised measure for the Regulation of Trades Unions this Session; or, if not, whether he intends to bring in a Bill extending the operation of the 32 and 33 Vict. c. 61, being an Act to Protect the Funds of Trades' Unions from Embezzlement and Misappropriation, and which expires on the 31st August next?

Mr. BRUCE said, in reply, that it was his intention to bring forward a Bill upon the subject of the Regulation of Trades Unions in the course of the present Session; but in the event of his being unable to do so, he should certainly introduce a Bill to extend the operation of the 32 & 33 *Vict.* c. 61 for another year.

## BIBLE (AUTHORIZED VERSION).

### MOTION FOR AN ADDRESS.

Mr. BUXTON, in rising to move

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to invite the President of the United States to concur with Her Majesty in appointing Commissioners to revise the Authorized Version of the Bible,"

said, at the request of Her Majesty's Government, who wished to have more time for considering the subject, he had deferred his Motion, which he should otherwise have brought forward much earlier in the Session; and now, perhaps, he should be met with the objection that, in the interval, Convocation had appointed a Committee which, at the end of this month, would commence the revision of the Authorized Version; and that, therefore, it was now too late for Her Majesty's Government to intervene. Undoubtedly, however, should it seem to Parliament that the work ought to be taken up, whether as a national or, as he hoped, an international undertaking, and should accordingly be intrusted to a Royal Commission instead of a Committee of Convocation, that body would feel the respect due to such a decision. It would be impossible for what was, in fact, a mere private body, without any legitimate claim to act either on behalf of the Church or the nation, to pre-occupy the ground, should it be the opinion of Parliament that the subject ought to be taken up by the Government instead. He (Mr. Buxton) had reason to know that the opinion was very widely held that Convocation was not a fit body for the performance of the task. He cordially admitted that Convocation had taken it up in a far more liberal spirit than might have been anticipated, and he gave them all credit for having invited several learned scholars outside the Communion of the Church of England to give their aid. That concession to the spirit of the age was creditable; but it did not appear to him to be enough. All honour to Convocation for the zeal and promptitude with which it had acted in this matter; but he did not think that in such a question they ought to be too much influenced by deference towards Convocation. It was really of great importance that the work should be done by the hands not only most capable of doing it perfectly, but in which all men, not only at home but in the United States and our Colonies—in short, wherever the Authorized Version was read—would feel the most absolute and implicit confidence. Now, his contention was, that our Authorized Version was so absolutely dissociated from anything like sect or party, or any one Church or religious body, that it was so emphatically the possession, he would not say merely of the whole British people, but of every English-speaking people throughout the world, that the task of revising it could not fitly be taken in hand by any one Church, nor could any private person, or any self-constituted committee, have any legitimate claim to select those to whom this work should be intrusted. It ought to be taken up as an enterprize common to all those who were so deeply interested in its success. Instead of one Church being altogether predominant in the enterprize, and merely conceding to a few distinguished scholars of other Communions the privilege of aiding them as a matter of grace and favour, all the English-speaking Churches ought to be associated in the undertaking on perfectly equal terms. The sole principle of selection ought to be that of choosing the ablest and most learned scholars, to whatever country they might belong, without the slightest reference to their religious opinions. Now, there were scholars on the Continent of Europe, and others in the United States, whose assistance ought to be obtained; and, for the translation of the Old Testament, it would be essential to invite the aid of some of those Jewish scholars, both here and abroad, who were the greatest living masters of Hebrew learning. In fact, it would be in the power of Her Majesty's Government, and especially if acting in unison with that of the United States, to call together a Commission which would be a perfect instrument for the work, and that the whole world should feel, with regard to it, the most absolute assurance not only of its impartiality, but of the profound and accurate learning of those by whom it was achieved, so that it should be, indeed, the possession for ever of mankind. Obviously Convocation could not possibly have the same advantages as Her Majesty's Government in dealing with the affair. In choosing this Committee Convocation must, of course, select mainly from its own very limited body, and personal considerations could not fail to have great weight, and the field to choose from outside was far more narrow. As a matter of fact, Convocation had not been able to obtain the co-operation of some of the men, without whose assistance such a work could hardly be satisfactorily carried out. He had, of course, made it his business to ascertain what the result had been of the attempt to frame a committee, and the fact was that no less than three important Hebrew scholars—Dr. Wright, at the British Museum, a first-rate Semitic scholar; the Hebrew Professor of Oxford, and the Divinity Professor, the latter a great Syriac scholar—had declined to act with the committee. Dr. Tregellis, a most distinguished investigator of Greek manuscripts, had also declined, and no one had been found to occupy their places. Furthermore, some very eminent scholars in both Hebrew and Greek had been omitted, and he knew on good authority, though not from those gentlemen themselves, that the utmost dissatisfaction had thus been caused. Still more important was the fact that the whole clergy of the Church in the North—all those belonging to the Province of York, including Yorkshire, Durham, Northumberland, Cumberland, and Cheshire—had been omitted in consequence of a misunderstanding between the Convocation of Canterbury and that of York. It was generally believed that the selection from Scotland was by no means the best that could have been made. And then, again, very large funds would be required for the performance of a work which ought to absorb nearly the whole time and energy of those engaged in it for some years, many of whom would not be able to afford to make the sacrifice without adequate remuneration, besides which there would be heavy expenses otherwise. He believed the Bishop of Gloucester tried to obtain a grant of money from the Christian Knowledge Society, and, perhaps, a little more might be obtained elsewhere. But there was ground for apprehending that the work would be seriously skimped and stinted through the failure of pecuniary resources. The revision in the time of James I. cost £30,000, and things were certainly not less expensive in these days. The practical objections, then, to the work being undertaken by a Committee of Convocation instead of a Royal Commission, were really very considerable indeed. But, further, a very grave question was involved — the question whether this House and Her Majesty's Government were resolved to give Convocation that status, as the representative Governing Body of the Established Church, which it had now for many years been passionately striving to attain, but which had hitherto been the policy of statesmen of all parties to refuse. He felt bound to say exactly what he thought, and he hoped that, in doing so, he should not fail in courtesy towards men for so many of whom he felt the highest personal regard. A body, in fact, which contained some of the most illustrious men of the country—such men as the Archbishop of Canterbury, the Bishop of Winchester, the Deans of Westminster and Canterbury, and other men of noble character and distinguished ability—could not be regarded but with sincere respect. But could they wish that Convocation should now be re-endowed with that life and vigour which had happily lain dormant since the days of Queen Elizabeth? For his part, he altogether repudiated such an idea. As a Churchman he utterly denied the right of Convocation to arrogate to itself any authority whatever, great or small, over the affairs of the Church of England. The attempt to do so — that attempt which had been so perseveringly made during the last 30 years—was a mere usurpation. Since the Reformation, Convocation had ceased to have any legal rights whatever over the Established Church. It had no claim to such rights, and it ought not to be allowed to acquire them. Was it to be endured by the laity of the Established Church, that a body from which that laity was altogether excluded—a body purely priestly in its character — should seek to push aside the authority of Parliament, and to be the Governing Body of the Established Church? If the Church was to have any internal government at all, let a fair and reasonable constitution be given her by law; and in such a constitution let the laity have that share of authority—he would himself say that paramount share—which by right belonged to them. Convocation exactly expressed, both in its constitution and in its conduct, that obsolete idea which prevailed in the Dark Ages—that in religious matters the priest was all in all, and the laity nothing. If they had self-government for their Church it must assuredly be based upon the opposite principle—the principle that the people were not made for the clergy, but the clergy for the people. The struggle of Convocation, in forcing itself upwards to a position of authority, had been going on now for many years. The High Church party within it had been waging war against the lay authority over them which they detested, and from which they were determined to shake themselves free. For a long time their efforts excited nothing but ridicule; but they persevered, and their resolution was gradually leading to success, which had been crowned by this masterstroke of anticipating the appointment of a Royal Commission for the revision of the Authorized Version. Now, the laity of the Church might have been fain to acquiesce in these pretensions, however faulty the construction of this pretended Council of the Church might be, had it shown itself in its conduct to be worthy of the trust. Had that been so? He emphatically answered —"No." There was no public body at the present time existing in this country which had proved itself so entirely alien from the spirit of the age as Convocation. The displays of priestly intolerance, the old persecuting hatred of intellectual freedom in dealing with religious truth, were never more vividly exhibited than in the course taken by Convocation, both with respect to *Essays and Reviews*, and, again, quite recently, with respect to the appointment of Dr. Temple. In fact, all those members of the Church of England who desired to see religious truth dealt with reverently, but with courageous thought, ought to stand side by side with the admirable minority in Convocation in a firm resistance to the course which the majority of that body were so eager to pursue. He earnestly hoped, therefore, that Her Majesty's Government would not suffer this work to be taken out of their hands. As he had said before, there was yet time. A decided expression now on the part of the House that the Authorized Version of the Bible should be dealt with as a possession of the whole English race, as one outside the distinction of Churches, sects, and parties—such a decision must be submitted to with respect by Convocation. There could not be a doubt that, with possibly two or three exceptions, all the best scholars who had expressed their unwillingness to engage in the work would be ready to sit upon a Royal Commission. In fact, he knew that some of them would infinitely prefer that such a course should be taken; and, though some Nonconformists had such a dislike to Government interference that they did not relish the idea of a Royal Commission, yet, as a general rule, they would far prefer that this work should be undertaken as a national enterprize, in which all Churches should stand upon an equal footing, than that it should be carried out by the Established Church, with a few Nonconformists allowed to assist on sufferance as a matter of grace and favour. He should now turn to the objections which, as he was informed, had much influence with some of the leading Members of that House, and which he knew was felt in other quarters—namely, that the time had not yet arrived for the revision of the Authorized Version; at any rate, that the case had not been made out for its being taken up by the nation. The case, however, was overwhelmingly strong. During the last 50 years immense strides had been taken in philological science. The errors with which our Authorized Version abounded had been again and again exposed; and with respect to far the greater number of them critics had arrived at a general consensus. Confidence in the Authorized Version had been rudely shaken, and those to whom the Bible was dearest should, he thought, be foremost in demanding that it should be saved from the discredit which those disfigurements brought upon it. Now, the errors contained in the existing Version, and which might be counted by many thousands, were derived from two distinct sources. One was that the Authorized Version was translated from a most imperfect original text. The Hebrew and Greek text, from which it was taken, was founded on manuscripts of second-rate authority. In the second place, those who translated the Bible, great as was their ability and knowledge, had yet not the skill in philology that was required for the perfect achievement of the task. A third objection to our Authorized Version had often been alleged—namely, that the English into which it had been translated had become, in some respects, obsolete; but he candidly admitted that he did not feel the force of that objection. Its archaisms, in his opinion, added to its picturesqueness without really making it obscure, and he trusted that nothing whatever would be done except to correct acknowledged errors. But now, with respect to those errors which were due to the imperfections of the Greek and Hebrew text, these were found mainly in the New Testament. It was a startling fact, but a fact it was, that at the time when the Greek text of the New Testament from which our Version was translated was settled, not a single manuscript had been discovered of a date even as early as the 10th century. Not one of those manuscripts had been discovered which were now regarded by scholars as the trustworthy standards of Biblical text. Our New Testament was translated from a Greek text, which was mainly settled by Erasmus in 1515, and completed by Robert Stephens, at Paris, in 1550. As an illustration of the difficulties with which Erasmus had to contend, it was mentioned that he had only a single manuscript of the Apocalypse, and that an incomplete one, and he made up for its deficiencies by translating into Greek from the Latin Vulgate the missing words and sentences. From this partly conjectural source our Version of the Apocalypse was taken. Since the time of Erasmus and Stephens a great many manuscripts had been discovered; five of which were of the highest class, and had thrown immense light upon the true text of Scripture. Among these was the Alexandrian Manuscript, presented in 1628 by the Patriarch of Constantinople to Charles I., and which dated from the 5th century; the Vatican Manuscript, with regard to which scholars were agreed that it was a century older than the Alexandrian one. It was probably of about the year 350. Then there was the Codex Euphraemi, at Paris, a palimpsest, and dating from the early part of the 5th century, and the Codex Beza, in the University Library at Cambridge. It belonged to the celebrated Reformer Beza, and was in 1651 presented to that University. As far as it went it was of great value. Above all, there was the Sinaitic Manuscript, recently discovered by Tischendorf, and which was one of the most ancient and complete copies of the New Testament in the world. The date was probably of the 4th century. In addition to these five most highly important ones, great numbers of other manuscripts had been found, which threw more or less light on the subject. Was it reasonable that we should continue to give to the people of this country a translation of the Bible which was taken from manuscripts extremely imperfect and wanting in authority, when we had far better ones at hand? This, then, was one great source of error. The second was still more prolific—this was that 260 years ago, when the last correction was made, scholarship in England was still in a very elementary state. The able and admirable men who, during the century before, had translated the Bible, and those who revised the translation in the days of James I., had not the technical skill which was required for their task. It would be easy for him to give a host of illustrations of the disastrous effect which these two sources of error had had upon our Authorized Version, sometimes, but more especially with respect to the Old Testament, in making it obscure, and sometimes in perverting its meaning or in disparaging its beauty. It would, however, be out of place to discuss texts of Scripture in that House, and he should therefore abstain from doing so. He believed, however, that the great advantage of correcting our Version would be that many passages at present utterly obscure, the real meaning of which had been fully elicited by our modern critics, would be restored to their natural vigour. The Old Testament, more especially, would be greatly increased in value were its dark and difficult passages made lucid, and its poetry would gain immensely were it translated as it ought to be, and as it had been by Lowth, in a form corresponding to the original—namely, were it arranged in that balance of paragraphs which gave it rhythm to the ear, but which was utterly lost sight of in our translation. In every respect the poetry of the Old Testament would gain enormously by a truer and more careful handling. Some of the most beautiful passages were so utterly bungled in our translation that they contained neither poetry nor sense. This was the broad question at issue—Should they deliberately determine to retain a distorted image of the Scriptures, or should they have them represented in our tongue as they were actually written? To state such a question seemed to him to answer it. A true reverence for writings so deeply interesting to mankind would surely compel them to the conclusion that no pains ought to be spared to have them mirrored forth with all attainable accuracy, and to save their truth and beauty from being marred by the blindness and ignorance of their translators, and, depend upon it, wherever the original was falsely rendered, this was a dead loss to the reader. In almost every instance the false translation was less vivid, less racy, less lively, he might say, than the true one would be; in almost every instance the passage was made more tame and commonplace. But now he wished, with all fairness, to consider the objections which had been stated with considerable force by Lord Shaftesbury, who was in great alarm lest the Bible, or, to use his own phrase—"this blessed old confessor and martyr," should get into the hands

> "Of the Neros and Diocletians of Divinity, who, where they could not mistranslate, would translate anew, and effect their purpose by forcing passages to appear to be different because the language is altogether remodelled."

This alarm seemed to him utterly groundless. A Royal Commission, carefully composed, would not consist of the Neros and Diocletians of Divinity. They would have no desire to murder or persecute the Bible. Depend upon it there would not be the slightest inclination, nor would there be the power, in any individual member of the Commission to wrest the translation aside from its true meaning in order to propagate peculiar views of his own. Another terror of Lord Shaftesbury's was not less idle. His Lordship was shocked at the idea of

> "A rude and sudden descent from the majestic and touching tones of our wonderful Version to the thin, Frenchified, and squeaking sentences in modern use."

This fear was absolutely without foundation. No one that he ever heard of proposed to do more to than correct acknowledged errors, and certainly he (Mr. Buxton), for one, should feel the utmost abhorrence of any plan for substituting our modern English for the grand old phrases of the Authorized Version. But the main danger which Lord Shaftesbury and others seemed to anticipate was that the new Version would shake the faith of the people—that they would no longer regard the Bible with their present absolute reverence; and this undoubtedly was the real meaning of the aversion which many excellent persons entertained to any change. He ventured, however, to think that, though their primary motive was the desire that the real and precise truth should be set forth by our translation, yet one of the incidental benefits that would arise would be that this change would shake the superstitious idolatry for the mere words of the Bible, apart from its sense and substance, which had stood so much in the way of religious thought in England. He (Mr. Buxton) rejoiced to believe that the proposed reform would tend to rouse the thought of the people, and to set them reasoning and inquiring with respect to the Bible and with respect to the truths they had been taught to hold. We should in reality be treading in the steps of our forefathers in making successive efforts to bring the translation of the Word of God to greater and greater perfection, until it had been rendered as complete as it possibly could be made. The work had been carried on as long as the English nation had had a history. So far back as the 7th century, Ceadmon, the celebrated monk of Whitby, completed a poetical version of some portion of the Bible in the Anglo-Saxon tongue; and Guthlac, the first Saxon hermit, soon afterwards translated the Psalms. In the next century the Venerable Bede translated other portions of Holy Writ. In the 9th century Alfred the Great himself translated the Ten Commandments into Anglo-Saxon, and expressed an earnest desire that all the free-born youth should be able to read the English Scriptures; while in the 11th century Ælfric translated large portions of the Bible into the mother-tongue of the people. After the Norman Conquest the work remained in abeyance till the year 1360, when John Wycliffe began the publication of portions of the New Testament, which was held to have been the first seed of the Protestant Reformation in England. The Church then took alarm and stopped the work till the time of William Tyndale, who, with a self-devotion and energy never surpassed, gave himself up to the work until he perished at the stake, through the base treachery of Henry VIII., under whom a law was afterwards passed, that no person should read the Scriptures in the vernacular tongue, unless he were of noble or gentle birth. But in Edward VI.'s time some new editions appeared; and one called the Bishop's Bible appeared in the reign of Queen Elizabeth, but it never got any hold of the affection of the people. When James I. came to the Throne the celebrated conference was held at Hampton Court, which issued in the appointment of a Royal Commission, such as he now ventured to recommend, consisting of the fittest men, without regard to sect or party or nation; and thus was completed the Authorized Version, which had been so invaluable a treasure to the world. For 1,000 years, therefore, the work had been in progress. The best and wisest of our forefathers were the most zealous in the task; and never was any task performed in a nobler spirit; or whatever its unavoidable imperfections, with, upon the whole, more transcendent success. He might apply to our Authorized Version of the Bible one of its own poetic phrases. They might say of it—"She is all glorious within, and her clothing is of wrought gold." But the last touches of the artist's hand were still wanting, and surely it would be a work well worthy of the Governments of this country and the United States to combine in so setting forth the translation of Holy Writ in the common mother-tongue of our two kindred nations as that it should speak the truth, the whole truth, and nothing but the truth, as to what the original contains, and in presenting the Holy Scriptures to the English race throughout the world, both now and for all ages to come, in their purest and most perfect form, free from every spot or blemish by which their force and beauty could be marred? The hon. Gentleman concluded by moving his Motion.

MR. PERCY WYNDHAM, in seconding the Motion, said, as a Royal Commission would ensure a proper infusion of the lay element in the direction and carrying out this important work, it had his hearty support. He did not share in the jealousies of Convocation, as expressed by the hon. Mover of the Motion. If he thought that so great a work should be intrusted to any one section of the community, whether clerical or lay, he should be well content to have the matter left in their hands. If it were left to them, and if they executed the work successfully, he should be one of the very last to grudge them any prestige or renown which might in consequence accrue to them or to the Church to which they belonged. Convocation had drawn up a series of resolutions, which, so far as they went, were satisfactory; but Convocation was a body of which no laymen were members, and that to his mind was a great objection. He was not one of those who supposed that, in the revision of the Scriptures, whether committed to the hands of Convocation or to a Royal Commission, it would be deemed necessary to go very deeply into the matter, or that questions would be entertained, such as the authenticity of any large portion of the Scripture; but beyond that there came the most important question—that of the right rendering of certain Hebrew words. Some of the greatest authorities of the day had spoken of the Authorized Version as obscure, incomplete, and inaccurate, and that in parts it contained notions of which no trace was to be found in the originals. It would be well for the House to consider how a body of ecclesiastics were likely to treat words when the question was the substitution of another which, according to modern research, would more truly represent the intentions of the writer. There was one thing he could not believe, and that was that any man who took a deep interest in any great subject had the power of entirely divesting himself of partiality in dealing with it. It was very true it might be said that those to whom the present task was intrusted would perform it under the eyes of criticism; but when, he would ask, would that criticism be brought to bear? It would be but a sorry disappointment, if after the work had been completed, it was found to be not so perfect nor so good as they expected, and therefore to ensure the advantage of criticism it must go *pari passû* with the work. If Her Majesty were asked to issue a Commission, he had no doubt other learned men besides ecclesiastics would be invited to sit upon it. His hon. Friend had mentioned several such names; but if a Commission were appointed he was not wrong, he thought, in supposing that a man like Dr. Deutsch would be asked either to form one of the Commission, or to give his advice as to the best method to pursue. He was glad this debate was not likely to dwindle down into a miserable squabble respecting Convocation, and whether that body should or should not invite Dissenters to co-operate with it. An Authorized Version of the Bible was not the property of the Church or of Dissenters. It belonged to all the people of the country, in all their various phases of thought and belief; and the inauguration of so great a work ought, in his opinion, to come from the highest power which was known to us—the Crown—for by such a course they might ensure—what all desired to know as far as modern science and research could tell them—what the Bible really said in matters relating to existing tenets and beliefs.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to invite the President of the United States to concur with Her Majesty in appointing Commissioners to revise the Authorized Version of the Bible."—(*Mr. Buxton.*)

MR. GLADSTONE: The Motion of the hon. Member is not altogether new to Her Majesty's Government, and the Government are certainly responsible for having discouraged the attempt to throw into the hands of the civil authority, at the present stage, the work of revision, whether of the original texts of the Holy Scripture or of the Authorized Version. Adhering entirely to that opinion, I am desirous to lose no time in acquainting the House and my hon. Friend with the grounds on which we have arrived at our decision. I need not say that there is much in the speech of my hon. Friend with which it is impossible to differ. My hon. Friend has instructed the House upon the history of Biblical translation from the first;

"Gemino bellum Trojanum orditur ab ovo"—

and I have no doubt we shall profit much, or, if we do not, it will be our own fault, by what he has told us on a subject of extreme historical interest. But that has no direct reference to the question now at issue. Again, my hon. Friend has entered rather largely into the question both as to the position, the authority, and the conduct of Convocation in this country. Well, Sir, it appears to me that that is a matter which lies wholly beyond the scope of the present discussion. If the Convocation of the Province of Canterbury — being, what it is, composed simply of Bishops and a number of the leading clergy of the whole of the Southern portion, or larger portion, of this country—thinks fit to acquire public authority by discharging a useful labour on the part of the public, I do not think anyone will grudge Convocation authority of that kind, however much he might be disposed to contest any claim advanced on the part of that body to authority in a more precise and rigid sense. Certainly, I cannot either directly, or by implication, be disposed to throw any censure or imply any opinion as to the efforts which seem to have been made with considerable energy, and, I believe, with considerable effect, by the Bishops and clergy of the Convocation of Canterbury, for the purpose of attaining to an improvement in the Authorized Version of the Holy Scriptures. But, Sir, the question we have to consider is, I admit, a very wide one, and one which it is quite right to bring under the notice of this House. I will only allude, for one moment, in passing, to a passage in the speech of my hon. Friend, where he referred to the difficulty which he anticipated might arise in respect of funds for the effective prosecution of such a measure as the improvement of the Authorized Version of Scripture. My hon. Friend supported his argument by saying that in the 17th century £30,000 was the actual cost in money of that Version; and he said he thought it could not be done for less now. It appears to me that that was a very safe declaration; at least, with this one qualification—it will certainly not be done for less now, if it be done by public authority, by means of funds voted from year to year by this House. If my hon. Friend were disposed to bet, I think he might safely bet that the figure of £30,000 would not be found excessive in that view of the case. But in this great and wealthy country, with a Church the higher clergy of which, though far from extravagantly opulent, having reference to the calls upon them, have considerable means, I do not at all believe that a difficulty in obtaining funds will stand in the way of the useful and effective prosecution of whatever labours may be necessary for correcting the Authorized Version of the Scriptures. Therefore, though I admit that the argument is forcible if the difficulty raised were certain to exist, I cannot admit that the intervention of Parliament can be a necessity; and, if there be no real necessity for providing funds from the public purse, it is a great deal better that they should not be provided. It is quite possible that if Her Majesty's Government were to make this the subject of an application to Parliament for Votes in Supply, that very circumstance might tend to prejudice the work, and, in certain contingencies, these Votes might give rise to painful discussions, which at times we have all had to hear, but the number and range of which we have been constantly desirous to reduce. So much for funds. But now the difference between my hon. Friend and us rests on wider grounds. We do not, in the slightest degree, differ from him in the faith which he evidently entertains that there is strong need for the application of modern criticism, scholarship, and knowledge, to the consideration both of the Scriptural text and of that Authorized Version, which I concur with my hon. Friend in thinking is one of the most precious treasures belonging to Englishmen. On that point I will not dwell; because I take it for granted that, without any pretensions to minute or accurate knowledge, we have all, in one way or another, learnt or gathered enough with respect to the actual condition both of the text and the Authorized Version to make us believe it desirable that labour should be honestly and freely employed with a view to the eventual improvement of the Authorized Version. There is, therefore, no difference between us on that point. The fundamental difference between us is this—It is the opinion of my hon. Friend—and I do not in the least degree complain that those who entertain it should argue it in this House—that this work will be best initiated by public and civil authority. Now, Sir, the Government are of the opposite opinion. We believe the work will be most safely, most satisfactorily, most effectually initiated by those efforts which cannot pretend to public authority. And why? If I may presume to say so, this fallacy runs through the very interesting speech of the hon. Gentleman who seconded the Motion. The hon. Gentleman appears to assume—and I think it is assumed also by my hon. Friend—that it is in our power, by setting to work a certain critical and scholar-like machinery, to insure at a single stroke, as I may say, the attainment of a satisfactory result. We do not wish to be bound by any such proposition. We do not wish to see a machinery initiated which will produce a result having, *ipso facto*, pretensions to authority. We believe the wise course is, to allow persons who are willing to engage in this important field of labour to complete their work; but we say that that work ought to be subject to the action of public opinion. I quite agree with the hon. Gentleman that it is most desirable that lay judgment as well as clerical judgment should be passed upon the work; and I, for one, should regard with very great jealousy the appointment of any body which, however carefully selected, was to devote itself to this most delicate and important task, and was to be entitled afterwards to say—"There are the results of our labour; now we expect you to accept them!" There is the dilemma in which my hon. Friend and those who think with him are placed. When these labours are completed by an agency so authoritative, either the result so brought about must be accepted by the public—and I am not willing to be bound to accept them—or else we are in another difficulty, and must acknowledge that the revisers require to have their work revised, and we must again submit it either to a second Royal Commission, or else to some private and less authoritative agency, to supply defects and cure faults which may be found in the work of the first Commission. Our conclusion, therefore, is, that this is a matter which will be better left in the hands of private persons; and if it be true, as it is, that Convocation is not entitled to expect that the public shall, irrespective of its merits, be required to accept any revision it may produce, that fact, in our opinion, so far from being a disadvantage, is a positive advantage, and the assumption or possession of authority by the body undertaking this work would really constitute a danger and a disadvantage. I fear we should be too sanguine in assuming that the result of any single effort, however carefully considered, and however authoritative, must necessarily be so satisfactory as to win its way at once to public acceptance. Let us only recollect what the present Authorized Version is. It is the result, not of one effort, but of a series of long-continued efforts. Nor did the Authorized Version at once obtain public acceptance. It was ventilated in the atmosphere of free discussion; it was tried and tested in informal as well as formal ways; and it was not until after the Restoration—that is, not until half-a-century after it was produced—that it became, what it has been ever since, our one permanent standard in the interpretation of the Word of God. I will not enter into the arguments of my hon. Friend against the reasoning of Lord Shaftesbury upon this subject. Lord Shaftesbury entered into the discussion of it with that genuine and honest enthusiasm which is natural to him. But this I must say, without binding myself to particular words, that I, at any rate, am prepared to accept Lord Shaftesbury's reasoning and conclusion, so far as regards the main purpose he had in view—namely, on the one hand to bring home to the public mind the extremely difficult nature of the work to be undertaken, and the great mischiefs that would attend any miscarriage; and, on the other hand, the danger of intrusting this work to a Commission to be chosen by the civil authority, as if the matter were one on which it was in our power to say—"Do this, and the result will be attained!" Our opinion is that that is beyond our power. That being our opinion—and it is one compatible with a full sense of the respect due to the knowledge and honesty of my hon. Friend—it is hardly necessary for me to criticize the particular form in which he has drawn his Motion. But I own I think that, even if we were more inclined to adopt the general view of my hon. Friend, there would be great objection to the method proposed by him of an invitation to the President of the United States to concur with Her Majesty in appointing Commissioners to revise the Authorized Version of the Bible, and likewise, I suppose, the text of the New Testament, as well as of the Old Testament and the Apocrypha. I am quite sure that the President of the United States, and the accomplished gentleman, Mr. Fish, who fills the office of Secretary of State, would receive with the utmost politeness any representation we might make; but I think sentiments of considerable surprise would be excited in the mind of the President if he were to be abruptly saluted some morning with a sealed envelope containing this request. Such an invitation would carry him into a sphere from which I am afraid he is excluded almost by the very letter, certainly by the spirit, of the Constitution of the United States. I think my hon. Friend would be willing to concur with us in reconsidering that part of the subject, if it were only at that point we parted company; but we part company with him on the general principle I have endeavoured to describe. The time may come when these labours, that are now being initiated, and to which we all wish success, may reach a state of ripeness in their results, after they have been tested and their fruits accepted and approved by public opinion; and then my hon. Friend, or possibly some Member of the Government, may be in a condition to say—"The time has now come when the civil authority may step in and may assert that the work has been accomplished;" but it is at the close and not at the commencement of this great operation, if at all, the civil authority should step in; and whether it should or not it would be premature now to decide. But it is not premature now to decide that the time for considering the matter has not arrived, and we shall act far more wisely, and in a manner far more friendly to the prosecution of a great and important undertaking if we leave it to the free agencies of those powers of piety, and zeal, and of learning and knowledge which I have no doubt exist in this country in ample sufficiency for the attainment of the end.

MR. SCOURFIELD said, it was rather remarkable that one of the highest authorities with regard to the English language was an American, Mr. George P. Marsh, whose competency was vouched for by Mr. Max Müller. Mr. Marsh had published a work, *Lectures on the English Language,* one chapter of which was devoted to the expediency of revising the Scriptures at the present time. The conclusion of Mr. Marsh was, that it was not expedient, and on the face of such an authority an appeal to the United States would not be likely to meet with a response. Mr. Marsh said—

> "Nothing but a solemn conviction of the absolute necessity of such a measure can justify a step involving consequences so serious, and there are but two grounds on which the attempt to change what millions regard as the very words of life, can be defended. Those grounds, of course, are, first, the incorrectness of the received Version; and, secondly, such a change in the language of ordinary life as removes it so far from the dialect of that Version that it is no longer intelligible without an amount of special philological study, out of the reach of the masses, who participate in the universal instruction of the age."

And, in conclusion, he said—

> "As there is no present necessity for a revision so there is no possibility of executing a revision in a way that would be, or ought to be, satisfactory, even to any one Protestant sect, still less to the whole body of English-speaking Protestants."

MR. HENLEY: I think we have great reason to complain that a certain number of gentlemen, authorized by the Convocation of Canterbury, have taken upon themselves to unsettle all men's minds on one of the most important subjects. I should like to know how many men's minds are likely to be shaken and affected by what is going on before this business is settled, and whether it can possibly be believed that the amount of good that can result from critical improvements by persons who, either believe themselves to be, or are, great scholars, can compensate for the unsettling of the minds of the people who rely upon the Version of the Scriptures we have, and which has been a comfort to them, as I trust it will be, in spite of all we do. With reference to the Motion made by the hon. Member opposite (Mr. Buxton), it is impossible not to feel that it is almost playing in the direction of the origin of this movement, because what would be the necessary result of adopting the Address the hon. Member proposes? It must be very much longer delay. Conceive having to settle with another foreign country who is to undertake this job. Then, supposing the American side to give one opinion and the English side another; all men's minds would be unsettled, and it would be almost coming to the conclusion that there was no Bible. It is bad enough as it is when one sees what has been going on in this country for the last two or three years, in which tubs have been thrown out to the whales in order to direct attention to other matters. I believe the parties who are making this move are unconsciously playing the game of others. What can play the game of Rome so much as discrediting the Bible? I ask you to consider that. What does she do? She puts forth men of intellect who believe in nothing but themselves, and there is nothing they will not discredit. When we have succeeded in discrediting the Bible, into whose hands will the people of this country fall? I ask you to consider that. Therefore, now this question has been raised do not do anything to hang it up. If one thing could be more unfortunate than another, it would be to have this business protracted, and the people who are not scholars, and who want something definite, should have it cast in their teeth—"You have got no Bible; it has got to be revised." What is it that is to be revised? Is it to be the translation, or is it to be the text of the whole, written in various languages? If you once let 18 or 20 very wise gentlemen begin to reject parts, what is to hinder them rejecting the whole? I know not. If it is to be merely their scholarly judgment, and they are to reject this passage and that passage, why may not they reject the whole? I deeply regret that this matter has been agitated at all. I believe it will unsettle hundreds of men's minds; it will do ten times more mischief than all the teaching and all the preaching of those gentlemen who have set it going will ever do good. If the Prelates who have undertaken this revision are to do it themselves, I do not see that we can have any more demand for an increase of the Episcopate, seeing that they have so much idle time on their hands. If they do this—as it seems to me almost *extra vires*—it will be as difficult as it was when the Episcopal Function Bill passed 25 years ago for plain men to understand how more of them can be wanted. If they are to go through the Sacred Writings line by line and to pass judgment upon each it will not be a matter of a day or a week, but it will be a long business. If they are merely to trust the work to two or three persons, and then gild it with the sanction of their great names, not having gone through it, what a horrible delusion that will be. However, I hope whatever comes of what they are about will be done quickly, so that the unlearned part of mankind may still have something they can rest upon—which has been a comfort to them here, and which I hope will lead them to a better place hereafter.

Mr. R. N. FOWLER said, he was satisfied with the course the debate had taken. It was said that the Authorized Version of the Scriptures was not satisfactory to scholars; but in regard to this question the House had to legislate not for scholars, but for the great mass of the people of the country—the vast majority of whom were not like hon. Members, who most of them read Greek, and some Hebrew—who knew no language but English. It must be borne in mind that the Bible was that which bound together the Protestant people of this country, however much they might differ in opinion upon religious and political subjects; and, therefore, it was a serious thing to do anything which for a moment should reduce the hold which the Authorized Version had on the minds of the people of England. It must be remembered that the Bible was most read and most studied by a class of people of whom very little was heard in that House. They ought to bear in mind that legislation of the kind proposed dealt most with those classes who came very little in contact with public men, and therefore the House ought to reflect seriously before it did anything to interfere with the comforts of those classes. The language of the Authorized Version of the Scriptures had grown very much into the feelings of the people, in words already quoted by his hon. Friend (Mr. Buxton), it was part of the national mind, and the anchor of national seriousness, and he thought the House ought not to upset a Version which had so great a hold on the national affection. He was glad to hear Her Majesty's Government express their opposition to the Motion.

Mr. BERESFORD HOPE said, there was a point on which the Prime Minister had touched, but which required more consideration than had as yet been given to it. Owing to the influence of Thomas Jefferson, a disciple of the French Revolution, not only all recognition of the Christian religion, but all reference to a Superior Being was excised from the American Constitution. That was a great blot on the Constitution of the United States. The President of the United States was stopped from directly taking any step which would have a religious bearing. The people of that country, he fully believed, felt the disgrace of Jefferson's proceeding, and in many indirect ways they endeavoured to counteract it. But anyone who read the American correspondence of *The Times* must know that the Irish vote was very important to the Government of the United States. Among the Irish there was a strong Roman Catholic feeling, and to the credit of the Roman Catholics it must be said that their churches and other institutions stood among the foremost in New York. We must see, therefore, that, as the Version of the Scriptures used by the various denominations of Protestants was an object of jealousy to a large body of men in the United

States, there would be a political difficulty in the way of the President joining in such a movement as that suggested by the hon. Member for East Surrey. We should feel some mortification if having, in a spirit of Christian confidence, made an appeal to the United States, the President felt bound to refuse acquiescence in our request. The request, if made at all, must be made by the Sovereign of Great Britain, in her highest Sovereign capacity, and it must be met by the President of the United States in his highest capacity as First Magistrate of that great Republic. Under such circumstances, a refusal would be anything but agreeable, not to say detrimental to our national dignity. He had often listened with great pleasure and instruction to the words of wisdom which usually fell from the right hon. Gentleman the Member for Oxfordshire; but he could not feel that pleasure when the right hon. Gentleman was that evening speaking of the functions of the Episcopate. He (Mr. Henley) spoke of the Archbishops and Bishops as if they ought to be a sort of superior churchwardens bustling about here and there. Differing from the right hon. Gentleman, if that were his (Mr. Henley's) meaning, he claimed for the Church of England the character of a learned Church, and he held that the most rev. and right rev. Prelates should be not only men of work, but men of study—that they should devote themselves to the advancement of the Church as a great teacher of religion and expounder of the Word of God. If the Authorized Version was to be revised—a point on which at that moment he was not bound to offer an opinion—some of the Prelates of the Church should take part in that work of revision. He was glad of the determination come to by the Government, and he congratulated the House on the temperate, calm, and religious tone of the discussion. He hoped the hon. Member for East Surrey would not think it necessary to go to a Division.

MR. KINNAIRD believed that the people of Scotland were not inclined to invoke the civil power to undertake a work which would be better done by private hands. The hon. Member (Mr. B. Hope) had cast a slur on the United States; but his hon. Friend appeared to him to be labouring under a mistake. As a proof of this let him remember that during the recent War the President himself ordered days of national fasting and humiliation, thus, as chief of the Republic, recognizing the Supreme Power of the Almighty, and our dependence on him in all matters. There was a good deal of the old Puritan spirit in the United States, and more Protestantism to be found among the people of that Republic than among some of the friends of the hon. Member for the University of Cambridge. He thanked the Government exceedingly for the decided step which they had taken in meeting the question with a negative, and he trusted that the Motion would be withdrawn.

MR. MACFIE said, the time had come when, in the interest of truth, and piety, and Christianity, there should be a revision of the Holy Scripture. He thanked the right hon. Gentleman at the head of the Government also for the intimation he had thrown out that the time might arrive, and might arrive ere long, when it might be the duty of the Government to recognize some revision which might have been approved of by the great body of the people of this country. He thought it was the duty of the Government to undertake the revision, for to whom were we indebted for the present translation of the Bible, but for the *imprimatur* of the Government? He trusted that the anticipations which had been derived from the speech of the Prime Minister would be verified, and that the time would shortly arrive when the Government would take the question up.

MR. NEWDEGATE wished to tender his thanks to his right hon. Friend the Member for Oxfordshire (Mr. Henley), and to the Prime Minister, for the views which they had severally expressed on the subject. He should not have said a word upon this subject but for the observation of the hon. Member for the University of Cambridge, who seemed to consider the Bishops of the Established Church privileged to moot this question. He (Mr. Newdegate) must be permitted to ask, without intending any disrespect to those right rev. persons, why, if they were, as the hon. Member for Cambridge seemed to assert, competent to produce an improved version of the Holy Scriptures, they had not already done so? He, however, denied that this was a task that ought to be committed merely to official persons. It concerned every member of the Church of England; and every Protestant Christian of whatever denomination whatsoever, whether

Bishops or others, might be competent to revise the Scriptures. Their duty was not to propose that a revision should be undertaken; but to produce a version for the acceptance of Parliament. He believed that it would be an evil to commence a disturbance without the prospect of a satisfactory conclusion; believed that the House ought to be warned by what was going on abroad—for were they not on the eve of having the infallibility of the Pope declared?—was this a time for them, without the prospect of a settlement, to disturb the faith of the people in the one document which was accepted by almost all? Allusions had been made to the United States, and to the fact that they had no recognized form of religion. But how was that brought about? It was brought about by Jefferson, who overcame Washington, when Washington desired to establish a Protestant Church. But what was the influence behind Jefferson? What of Carroll? He was brother of the Jesuit Carroll, afterwards the first Roman Catholic Bishop of Baltimore. This was an historical fact—a fact which he asserted on the authority of Cretineau Joly, the historian of the Jesuits, who boasted of this fact as one of the great points in the history of the Jesuit Order, that they prevented Washington from establishing a Protestant Church in the United States; and the proof of the approbation of the Papacy was this—that Carroll was appointed a Bishop. Previous to this Jesuits had not been appointed Bishops. The cathedral of Baltimore stands as a monument of what the Pope considered this great success effected by the Jesuits, and not far from Baltimore is Carrolltown. At the present moment, when Rome was superseding every dogma, every doctrine, by one decree—that of the Infallibility, which meant obedience to the Pope—it would be most imprudent on the part of the Parliament of England to enter on any such work as a revision of the Bible. Such revision Parliament might sanction if it were presented: it was not a work for Parliament to initiate.

Mr. BUXTON, in reply, said, he thought there would be no practical difficulty in appointing a Commission for the revision of the Scriptures. The President of the United States ought to be invited to co-operate in this work, because there were in that country 30,000,000 of English-speaking people, by the majority of whom the English Authorized Version of the Bible was accepted. Those persons, he felt, were entitled to be consulted when any revision of the Bible was undertaken by the Government of this country. He was not sorry to have elicited the discussion, which had been an interesting and important one.

Motion, by leave, *withdrawn.*

### IRELAND—LOCAL TAXATION.

#### MOTION FOR A SELECT COMMITTEE.

Colonel FRENCH rose to move for a Select Committee to inquire into the increase, during the last 33 years, of Local Taxation in Ireland, and to report in what manner it might be diminished, and how far its incidence might be more equitably distributed. In placing this Notice on the Table of the House, he was influenced not alone by the importance of the subject, but by the necessity of bringing to immediate issue the question as to whether England and Ireland were to be separately and differently treated; whether an inquiry into local taxation was to be conceded to one country and to be refused to the other; whether Irish Members were to be excluded from Committees appointed to inquire into the fiscal regulations of England, and Englishmen continued to be appointed to report on similar inquiries in Ireland. As the local taxation of both countries were essentially different, much public advantage would, in his opinion, be obtained by a judicious mixture of the representatives from all parts of the United Kingdom. Much dissatisfaction had been expressed at the manner in which these Committees had been constituted. The Members were not chosen for fitness, for experience, or for knowledge of the subject, but simply because they were sure political votes. It had been frequently asserted that since the Union Ireland had been misgoverned. He did not question it; but for this the Irish were not to be held accountable, for they had been systematically excluded from any management of their own affairs. As he told the House some years ago, out of 16 Departments in Ireland the chiefs, from the Lord Lieutenant and his Secretary downwards, 15 were English, Scotch, or Welsh, and only one Irish. At present Ireland was governed by irresponsible Boards. There was no person in the House of Commons to answer for their misdeeds. The heads of these Boards were chosen without any inquiry as to their qualification or fitness for the offices. By these Boards Ireland had been taxed to an astounding amount. During the last five years there had been an increase annually of £3,000,000 taxation on that country. They had had poor rates in their worst form, the maximum of expense for the minimum of relief—the income tax, succession duty, the Lunatic Commissioners, the General Valuators, the railway guarantees — the compulsory presentments for gaols, asylums, and drainages extended to them. They had by Acts of Parliament been forced to repay moneys they had never borrowed, and to reimburse the Treasury for all sums wantonly wasted by their English nominees. After 14 years a claim was preferred for money stated to be advanced during the famine of 1822, £30,000 was compulsorily levied off the Province of Connaught. Two millions of money were by the Board of Works, before the Committee of the House of Lords in their alleged expenditure during the potato failure in 1846 and 1847, totally unaccounted for. A power had been vested in the Lord Lieutenant to tax at his pleasure the Irish counties for certain purposes, one of which was to pay £500 a year into the Consolidated Fund. This power was unconstitutional and was not possessed even by Her Majesty. Notwithstanding this, it was twice every year levied by a compulsory order. Did they wonder, under these circumstances, that they were discontented? As long as this state of affairs was allowed to continue they would find them difficult to conciliate. The right hon. Gentleman at the head of the Government must not imagine that even two such measures as those relating to the Church and land in Ireland were sufficient—they must be followed by many others conceived in the same spirit before any change in the feeling of Irishmen could be expected.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

COLONEL FRENCH resumed. Great as was the acknowledged ability of the Prime Minister, the regeneration of Ireland would try these abilities to the very utmost, and if successful, it would be attributed to his personal exertions and his indomitable will. He sincerely trusted there would be no faltering in his course, and that the right hon. Gentleman would successfully complete what he had so ably and gallantly begun. Departmental government must be abandoned. The heads of the administrative sections must be properly qualified men; Ireland must be recognized as an integral portion of the Empire. The pensioning of those officers, from whose incapacity Ireland had been so grievously overtaxed, must come to an end, and the Castle cliques, legal and illegal, which were destroyed by the vigour of Lord Clarendon, but again brought into existence through the weakness of some of his successors, must disappear at once and for ever. Unless these essential and long-required reforms were initiated without delay, and carried with vigour to success, the association, which was growing by degrees, with the view of securing for Ireland a Federal Parliament, might be found by the right hon. Gentleman to have assumed at an early date much larger proportions than were ever dreamt of on the Treasury Bench. Although he (Colonel French) did not feel over confident in any promise from the Government, who had not made the inquiry into the Lunatic Asylums in Ireland that two years ago they undertook to do—nor had they carried out the inquiry they were directed to make through the Audit Office, by the Committee on the General Valuation, of as to the past and present abuses of the Valuation Board—still, as the Session was so far advanced, and the Chief Secretary for Ireland not being able to serve on a Committee of Inquiry, if he would promise an investigation early next Session he would not press his Motion to a Division.

MR. POLLARD-URQUHART, in seconding the Motion, complained that the burdens on land had increased nearly 100 per cent within the last 30 years. An enormous degree of discontent existed in Ireland in regard to the manner in which Ireland had been governed, and, in his opinion, a special inquiry was called for.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the increase, during the last thirty-three years, of Local Taxation in Ireland, and report in what manner it may be diminished, and how far its incidence may be more equitably distributed."—(*Colonel French.*)

**Mr. M'LAREN** said, he hoped that the inquiry, if ordered, would be extended to Scotland, as the burdens of taxation had been greatly augmented there also, within recent years. Indeed, he did not see why England, likewise, should not be included in the inquiry.

**Mr. CHICHESTER FORTESCUE** said, he was much obliged to his right hon. and gallant Friend for enabling him to decline entering upon such a difficult and grave subject at present. He wished to point out to his Irish friends that the increase of local taxation in Ireland within the last 33 years could be easily accounted for—namely, since that date the British Government had given to Ireland some of those institutions that necessarily belonged to every civilized country. In the first place, the system of Poor Laws, since then established in Ireland, would account for more than two-thirds of that increase. In the next place, the measures instituted for the sanitary regulations of the towns would account for the remainder. He thought, without giving any opinion as to the merits of the proposal, his right hon. and gallant Friend would admit that the present was by no means a favourable opportunity for instituting such an inquiry as was then asked for. Important inquiries were now going on with respect to England and local taxation, the results of which would probably be available before next Session, and would materially assist them in coming to a conclusion upon this question of Ireland. Without pledging himself to any specific course for the next year he could promise his right hon. and gallant Friend that the fullest consideration should be given to the whole question under the light of the inquiries to which he had adverted.

**Mr. WHALLEY** said, he was sorry that a more specific answer had not been given by the Government to the right hon. and gallant Gentleman (Colonel French), who seemed to speak as if Ireland had been greatly taxed and oppressed by this country. All impartial persons must, however, admit that the very reverse was the case. And, so far from Ireland suffering from an increase of taxation imposed unjustly by this country, the characteristic feature of their legislation during recent years was remission of taxation in the sister country. Surely, the right hon. and gallant Gentleman could not be serious in bringing such charges against the British Government, when the fact was incontrovertible that for the last three years, at all events, the British Parliament was occupied with the consideration of measures intended for the benefit of Ireland, to the exclusion of almost every other question affecting the interests of the other portions of the Empire. He regretted very much that this Motion had been treated in so off-hand a manner by the Government.

Motion, by leave, *withdrawn.*

### MEDICAL OFFICERS (WEST COAST OF AFRICA.)—OBSERVATIONS.

**Mr. RAIKES** rose to call attention to the hardship inflicted on medical Officers serving on the West Coast of Africa by the determination arrived at by the Secretary of State for War to disallow their claims for promotion, and to move—

> "That in the opinion of this House it is undesirable to deprive medical officers who volunteered for service on the West Coast of Africa before the 1st April, 1867, of those advantages by the prospect of which they were induced to undertake that service."

The hon. Member was proceeding to address the House on his Motion, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Seven o'clock.

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## HOUSE OF COMMONS,

*Wednesday, 15th June,* 1870.

MINUTES.]—Public Bills—*Second Reading—* Representation of the People Acts Amendment [28], *negatived.*

*Committee — Report —* Admiralty District Registrars* [111-164].

*Third Reading—*Wages Attachment Abolition* [131], and *passed.*

### CONTROVERTED ELECTIONS.

Mr. Speaker informed the House, that he had received from Mr. Baron Bramwell, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the trial of Election Petitions, a Certificate and Report relating to the Election for the City of Bristol.

## REPRESENTATION OF THE PEOPLE ACTS AMENDMENT BILL.

(*Mr. Hardcastle, Mr. Vernon Harcourt, Mr. Thomas Potter.*)

[BILL 28.] SECOND READING.

Order for Second Reading read.

MR. HARDCASTLE, in rising to move that the Bill be now read a second time, said, his object was simply to repeal certain clauses in the Acts of 1867 and 1868, which had the effect of partially disfranchising voters in certain urban and rural constituencies of this country and Scotland. The constituencies to which he referred were those known as the "unicorn" constituencies. There were six urban and seven rural constituencies which came within that category, and the clauses which he sought to have repealed had been introduced into the Reform Bills by the House of Lords. On two occasions during the discussions on the Representation of the People Bill in the House of Commons attempts were made to have clauses of this or a somewhat similar nature inserted in that Bill. Mr. John Stuart Mill made the first of those attempts, but after some discussion his proposition was withdrawn. The second was made by the present Chancellor of the Exchequer; and he must say that he preferred the right hon. Gentleman's plan to that of Mr. Mill, but the House rejected it by a majority of 317 to 137. When the Bill went up to the other House, Lord Cairns proposed, and succeeded in getting inserted in it, the clauses which he (Mr. Hardcastle) now wanted to have repealed. Lord Cairns disavowed any party object in reference to those clauses, and he (Mr. Hardcastle) might now do the same. To show that he was not actuated by party motives, he might mention that the working of those clauses had been more beneficial to the Liberals than to the Conservatives; in the cities and boroughs which came within the operation of these clauses the gains of the two parties had been about equal, but there were three or four county constituencies in which the new principle had secured the return of Liberal Members. When the Bill came back to the Commons the Session was far advanced, and to have entered into fresh discussions of any length would have been to endanger the passing of the Bill. He believed that, but for that circumstance those clauses would have been rejected. In moving the clauses Lord Cairns argued that to leave only two votes to the voter in a constituency which returned three Members could do the voter no harm, because he would be no worse off than the voter in a constituency which only returned two Members. He certainly should have been more astonished than he was at the argument only he remembered that the noble Lord came from the other side of St. George's Channel. Such an argument was about as sound as would be the assertion that to take away one Member from a constituency which returned three Members would do no harm to that constituency. The noble Lord had also advocated the clauses on the ground that some provision should be made for the representation of persons whose claim consisted of independence, intelligence, and freedom from popular excitement. He also observed that it would be very advantageous that in some counties gentlemen quite unconnected with land in those counties should be returned, and that in some boroughs gentlemen altogether unconnected with the trade and commerce of those boroughs should be selected. The General Election, however, had shown them what the real working of the clauses was. In not one single instance had any representative been returned for a unicorn county who was unconnected with land, and in no instance had a representative for a city or borough been returned who was not connected with trade or commerce. In Manchester there were five or six candidates. A Gentleman who now sat on the Opposition Bench (Mr. Birley), and against whose qualifications no one could say a word, was returned by a minority. He was connected with the trade of the locality, while a gentleman well known in connection with philanthrophic movements in London, but unconnected with Manchester (Mr. Joseph Hoare), was rejected. In Liverpool, his hon. Friend (Mr. Rathbone), who was connected with the commerce of that town, was returned as the minority Member, while a Gentleman who had for years been a Member of that House, who had filled the office of Chairman of Committees, and subsequently that of Financial Secretary for India (Mr. Massey), was rejected. In Cambridgeshire his right hon. Friend

(Mr. Brand), a landowner, was returned as the representative of the minority, while a gentleman unconnected with land (Mr. Richard Young) was rejected. In the county of Berks there were two Liberal candidates—one (Mr. Walter) a Gentleman who had for a long time represented Berkshire, who was a great landowner, and who had other claims to respect—perhaps he might say to fear—claims to which he need not further allude. Well, that hon. Gentleman had as a colleague in the candidature a Gentleman of whom this character—he did not say it was a just one—had appeared in the columns of the leading journal. In *The Times* of the 24th of February there was this reference to the Gentleman who, at that date, had just been elected Member for Nottingham—

> "Possibly he may dream that the future, whatever it may be, would be more his own than the present. But, at all events, he represents, with perfect genuineness, that interesting band of scholars who framed a new constitution for the universe, and for this part of it in particular, within the first few months of leisure which followed their admission to degrees, and who exhort us to sweep away every existing institution to make room for their academic Utopia."

He did not say that that was any great recommendation of the views and opinions of his hon. Friend the Member for Nottingham (Mr. Auberon Herbert); but he did say that anyone to whom such a description applied much more nearly realized Lord Cairns's idea of a minority candidate for Berkshire, than did the hon. Gentleman who was the Liberal Member for that constituency. All anticipations in regard to the operation of these clauses having totally failed, he asked why the principle should be retained. He should, no doubt, be told that it should be retained because it was there; that the minority clauses applied to but comparatively few constituencies; and that it was not worth while, for the sake of repealing the clauses, to disturb the settlement of a great question; but he might observe that, as far as the House of Commons was concerned, those clauses were not a part of the settlement. That House had nothing to do with the introduction of those clauses, and he thought it was now free to exercise its judgment as to whether they ought to be retained. The Government had on the Table a Bill relating to Elections; and he hoped that, if his own measure were not adopted, the Government would sooner or later embody its principle in their Bill. The system which those clauses brought into operation was an expedient—an indirect way—he might almost say a dodge—to give to a large minority in certain constituencies the power which ought to belong to the majority. It might be argued that truth was sometimes with the minority. He did not deny that; but he did deny that it was a good reason for assuming that truth was always with the minority. In the last letter he ever wrote Mr. Cobden expressed himself against the scheme. In answer to the argument that the minority had an opinion, and it ought to be represented, Mr. Cobden said—

> "After all it is opinion that ought to be represented. If the minority have faith that their opinions, and not those of the majority, are the true ones, then let them agitate and discuss them until those opinions are in the ascendant."

There were several practical objections to those clauses. One was forcibly illustrated by what had occurred in the City of London. Three Liberals and one Conservative having been elected, the Conservative died soon after, and there was a new election for one Member. Was a Conservative then elected? No; a Liberal was returned without a contest. Another objection to the scheme was, that it was only applicable to constituencies of a certain size. It was not applicable in counties which were large enough to be divided into two divisions, nor to boroughs which were not large enough to return three Members; but if there was anything in the principle it surely ought to be applied generally. After all that had been said and written on the subject, the principle of personal representation had not been adopted, except in one or two insignificant instances, by any legislative Assembly in the world. From a letter in *The Times* it appeared that the Convention of Illinois had decided in favour of it by a large majority. It had not yet been admitted into the constitution of Illinois; but, even if it had been, he did not think the fact would be a strong argument in favour of its adoption by the British House of Commons, which had always been regarded as the representative of representative bodies. As to Mr. Hare's plan of a proportionate representation—a principle which these clauses carried out to a certain limited extent—he must say that, if ever a scheme united ingenuity with impossibility, Mr. Hare's was that scheme. If it were applied to all the constituencies of the kingdom it would be a revolution compared with which every other revolution sank into complete insignificance. Judging by the number of candidates who presented themselves at the last General Election—between 1,000 and 1,100 in England and Scotland alone—there would probably be not fewer than 2,000 candidates at a General Election if Mr. Hare's scheme were adopted. In that case how would it be possible to bring under the notice of the 2,500,000 of electors of the United Kingdom the names and peculiar qualifications of this army of persons who came forward to represent the country? If printed lists of the names of the candidates were sent throughout the country, in the first place, many of the electors would be unable to read them; and, secondly, the vast majority would vote in favour of the local candidate, with whose opinions and character they were personally acquainted, and thus, by a roundabout process, exactly the same result would be arrived at as was attained under the present system. There were, however, other electors who had no local sympathies, but whose political sympathies were very strong—as was usually the case in metropolitan constituencies—and those persons would hardly take the trouble to inquire into the political opinions of the local candidates, but would record their votes in favour of the eminent Gentlemen who sat on the Front Benches before him, or who sat on the Front Opposition Benches. There were also large classes of electors who had neither strong political opinions nor strong local sympathies; but who were connected with great organizations, such as the Teetotallers, who were already represented by the hon. Member for Carlisle (Sir Wilfrid Lawson). In the case of Mr. Hare's scheme being adopted, one representative of that association would not be deemed sufficient, and in all probability there would be seven instead of one Sir Wilfrid in the field. Again, there was the great organization of the Odd Fellows, which included among its members thousands of electors who would send their own representatives to that House; not because they had any strong political opinions, but because they thought that such Members would advocate the peculiar objects of the association. This example would, of course, be followed by other similar organizations; and, in fact, instead of having to encounter in the Lobby—as had to be done under the old rule, before the present solitude reigned there—the representatives of every crotchet and remarkable craze, hon. Member would have to encounter them in that House. The constitutional principle had always been that Members should be sent to the House to represent, first of all, political opinions; but the result of Mr. Hare's scheme would be entirely to alter that state of things, because many persons would be returned under it who possessed no political opinions whatever. Such a result would be most detrimental to the character of that great representative Assembly. These were some of the reasons that had induced him to introduce this Bill, the second reading of which he now begged to move, and which he confidently anticipated would be carried by a large majority.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hardcastle.*)

MR. COLLINS said, he should have felt himself under some difficulty in being the mover of the Previous Question had this been the first time that this subject had been under the consideration of the House. The hon. Member (Mr. Hardcastle) appeared to have entirely forgotten that his Bill had a double effect—that it not only proposed to deprive minorities of the power of returning Members, but that it also proposed to revive the exploded system of triple representation—of allowing electors in certain constituencies to vote for more than two candidates. That system was a complete novelty in English representation, which practically was introduced in 1832, but which had ever since been virtually condemned, and he trusted that he should be able to convince the House that, after having been abolished three years ago, that system ought not to be revived. The clauses in the Bill of 1867 which gave minorities power to elect Members of that House had been objected to on the score of their novelty; but the charge of novelty might have been brought with equal force against the Reform Act of

1832 and all subsequent Reform Acts. The Bill of 1832 enacted a novelty, inasmuch as it bisected certain county constituencies. That was a successful novelty; and the Bill of 1867 extended this novelty, inasmuch as it trisected constituencies. The Chandos Clause, making occupation a main ingredient of the county suffrage, was also a successful novelty enacted in the Reform Bill in 1832, and extended to Ireland in 1852, and to England and Scotland in 1866 and 1867. He did not think our Constitution was so perfect that we could afford to reject improvements simply because they were new. But he was about to show that the novelty of triple representation in counties was introduced by Lord Althorp with a very different purpose from that assumed by the hon. Member, who was attempting to carry out the letter but not the spirit of the system introduced by that noble Lord. How did that scheme come to be introduced into the Reform Act of 1832 at all? Those familiar with the history of that Act would recollect that it was preceded by two other Reform Bills, the first of which proposed to largely reduce the number of Members in that House, and the second of which proposed to reduce that number by a smaller extent. When the Reform Bill of 1832 was brought forward, however, it was not thought worth while to reduce the number, and, therefore, it was determined to add certain seats to new boroughs proposed to be enfranchised; and it was in order to preserve the balance between the boroughs and the agricultural districts that Lord Althorp determined to give an additional Member to certain agricultural counties; but that addition to the county constituencies was not made with the view of giving cumulative votes to individual electors. Ever since the year 1832 the House of Commons had systematically set its face against the principle of giving three votes to an elector. Between the years 1832 and 1852 the question of Reform slept, but in the latter year a series of Reform Bills was commenced. The Bill introduced by Lord John Russell in the latter year in no way proposed to deal with the re-distribution of seats; but in 1854 a very remarkable Reform Bill was brought in, which was based upon higher philosophical principles, and which proposed a wide disfranchisement. That Bill was introduced by a Government that would vie in talent and in intellect with any modern Government, containing, as it did, among its members the chief members of the Governments of Sir Robert Peel and Earl Grey, including Sir James Graham, Lord John Russell, Lord Palmerston, and the present Prime Minister. That measure proposed to disfranchise something like 64 constituencies, and to create 44 new constituencies, returning three Members each. It did not, however, propose that the electors of any of those constituencies should have three votes, but two votes. Owing to the Crimean War that Bill fell through, and no more was heard about it. In 1854, however, the principle of giving minorities the power of returning Members was adopted in giving a constitution to the Cape of Good Hope, where it had been found to answer very well; and the same principle had also been adopted in giving a constitution to the Hebdomadal Council of the University of Oxford. Being highly-educated men, the members of that University were naturally prone to Tory opinions, and therefore it was necessary to provide for the representation of the Liberal minority. In 1860 a Bill was brought forward by Lord John Russell, disfranchising 25 places and creating several three-cornered constituencies, but not founded upon the principle of giving minorities the power of returning Members. Lord John Russell stated, on the occasion of that Bill being introduced, that he had seen nothing to change his opinion in favour of the representation of minorities, but that for some reason which he did not state he had thought it inexpedient to base his Bill upon that principle. At that time there was no honest wish for Reform on the part of Members on either side of the House, and the measure was talked to death, with the consent of Lord Palmerston, the House always counting out whenever the great question of Reform was brought forward. Then he came to a smaller Reform Bill, the discussion on which undoubtedly showed that the Parliament of 1859 was averse from the system of increasing the number of constituencies returning three Members each. When the Bill of 1861, for allotting the seats vacant by the disfranchisement of Sudbury and St. Albans, was before it, the House refused to give a triple vote to the constituencies whose representation it was proposed to increase, but they determined that the claims to increased representation should be acknowledged by bisecting the West Riding of Yorkshire instead of giving a third Member to Middlesex, and a third to West Yorkshire. In 1866 the right hon. Gentleman who was now at the head of the Government brought in a Bill which proposed to create a considerable number of these three-cornered constituencies. That Bill, as the House was aware, was lost upon a bye and a false issue—namely, whether it ought to be based upon rating or upon rent, or some other quibble of the kind; but its rejection was really the result of the belief of most moderate men on both sides of the House that a less democratic scheme would satisfy the country. But, although no decision was arrived at upon that Bill with respect to the triple vote, yet the House pronounced judgment upon the scheme very emphatically in the following year, when the Bill of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was before it. That Bill, although more democratic in a certain sense than its predecessor, was to be accompanied by certain so-called safeguards, which were to render it less offensive in the eyes of those who dreaded the advance of democratic principles. He was not about to enter into any discussion upon the subject of the value of those safeguards; but what he desired to point out was that when that Bill left the House, it was quite as much the Bill of the right hon. Gentleman at the head of the Government as it was of the right hon. Gentleman the Member for Buckinghamshire. But although the Bill was considerably mutilated by the right hon. Gentleman opposite, and all the so-called safeguards swept away, there was one point in it which was left untouched, and that was that certain counties should be trisected, and return two Members each division, and not be bisected and return three Members for each division. Parliament thus pronounced decisively against the wretched system of giving cumulative votes to electors which would enable them to vote for three candidates. He, therefore, maintained that since the year 1832 the whole course of legislation had been opposed to the proposition of the hon. Member for Bury (Mr. Hardcastle). That proposition involved very serious results. If this were a question affecting merely six borough and seven county seats it would be hardly worth hon. Members' while to oppose this Bill; but they must not forget that the last Reform Bill, so far as it related to the extension of the franchise, was Brobdignagian, and so far as regarded the distribution of seats was Lilliputian, and, therefore, it was impossible for hon. Members to close their eyes to the fact that some day or another—how soon it was impossible to say—another Reform Bill, involving a redistribution of seats would be passed. If the principle of the hon. Member were adopted it would largely affect the future measure, and it was important, therefore, that this question should not be hastily or rashly prejudged, and that it should not be determined until after ample consideration had been given to it. It was a fortunate circumstance that this question could be discussed entirely apart from any party feeling because. though this principle had been introduced by Lord Cairns, the representation of minorities had been advocated by Lord John Russell, by Lord Palmerston, and by Mr. J. Stuart Mill, and because its determination either way would but slightly affect the relative position of Liberals and Conservatives throughout the country. If in the counties the Conservatives lost five they gained two in the boroughs, so that by the experiment of 13 seats they lost three. It was, therefore, not a question for consideration in a party point of view; so far as the Conservatives were concerned, his object was far superior to that of mere party politics. He wished to show the House that he, and not his hon. Friend opposite (Mr. Hardcastle), was carrying out the principle of the Reform Bill of 1832. In that year, when the subject of a minority clause was brought under the consideration of the House by Mr. Praed, who wished to introduce the principle of giving three votes, Lord Althorp opposed it on the ground that it was unnecessary, because it would be impossible to get a constituency to return three men of the same colour, for the fact was, that then the greatest difficulty existed in getting a man to give two votes for two men of the same colour. If that were true in 1832 there could be no doubt it was false in 1870.

In Acland's *Election Book* he gave the polls of every contested election since 1832. Taking him to be correct—and he (Mr. Collins) having watched contested elections since he was in his swaddling clothes, he was able to say that in many cases he personally knew the statements to be correct—in 1832 Lord Althorp's statement was completely borne out; because out of seven counties that returned three men each not one of them returned three men of the same colour; and that, probably, was owing to the fact that electors did not then, as now, vote by the ticket, according to the dictation of the clubs or working men's associations. In most cases the counties returned Liberals, but they afterwards, he was happy to say, came to their senses. He would take the Elections of 1841, 1847, and 1852, in which latter year Lord Derby went to the country with Free Trade for the boroughs and Protection for the counties. In 1841 there were 19 Conservatives and two Liberals returned by those counties. In 1852 they returned 20 Conservatives and but one Liberal, and the solitary piebald representation was the county of Bucks, which was probably owing to the moderating influence of the right hon. Gentleman the late Prime Minister, who did not think it fair that three should be elected of the same colour. In 1852 this great change took place, which completely upset the doctrine of Lord Althorp, that a minority, however small, must succeed in securing a representation. But, in truth, the minorities were, in many instances, not only not small, but very large in point of number. In Hertfordshire, for instance, three Liberal candidates were run against three Conservatives. The three latter succeded, a Conservative candidate heading the poll with 2,225 votes, and the highest of the losing candidates polling 2,043, so that there was only a difference of 182 between them. In Herefordshire they tried the plan of running one candidate against three, but failed here too, in spite of the advantage which they possessed of being able to obtain split votes; but while the three Conservative candidates were returned, the highest with 3,167 votes, the Liberals could only secure 2,836 votes for their candidate, Sir George Cornewall Lewis, whose exclusion from Parliament was a loss to the nation. Although Sir George Cornewall Lewis's merits were not ignored by the Conservative voters, they were bound to do all they could against him — had he been a voter he should, no doubt, have refused him his support—but it was not right that they should be under this necessity. He would now refer to the system as it worked under the Law which the hon. Gentleman proposed to repeal. In Berkshire the Conservative Members obtained 3,200 votes, the Liberal Members 2,500; the result was that, while each of the Conservative Members represented 1,600 voters, the hon. Gentleman sitting opposite (Mr. Walter) had the good fortune to represent 2,500: so that the hon. Gentleman, who occupied what some termed the ignominious position of representing the minority, really represented 2,500; whereas his two opponents represented only 3,200 between them. In other divisions the same thing occurred. In Cambridgeshire the Conservatives polled 3,700, and the Liberal 3,200. In Herefordshire the Conservatives polled 3,300, and the Liberal 2,000. In Hertfordshire the Liberals polled 3,600 and the Conservative 3,300; so that the so-called representative of the minority in reality represented a greater number of electors than the candidate returned for the majority. In Liverpool, again, there were 16,000 Conservatives and 15,000 Liberals, and he could not see how it would be fair that the 16,000 should monopolize the representation and the 15,000 have no share. It was only an approximation to fairness that the 16,000 should return two Members, and the 15,000 only one; but it was as fair as it could be made under our electioneering system. Out of the 2,300,000 persons said to live in these constituencies, he had shown that about two-fifths really belonged to the party of the minority; so that under the system to which the hon. Gentleman objected, to place the estimate at a very low figure, they had a rough way of giving representation to 800,000 people, no insignificant portion of the inhabitants of the kingdom. Therefore, when the hon. Member for Bury, with a large amount of assertion and assurance, took upon himself to talk about people being disfranchised, he had yet to learn the meaning of the term. Now, it was urged that under the old system the minority had indirect if not direct representation, but the correctness of this view he denied. Supposing that there were three Liberal Members for Manchester and three Conservative Members for Oxfordshire, would a Conservative merchant returned for Manchester be the same sort of person as the Conservative fox-hunting squire who represented Oxfordshire; was the Liberal Member who sat for Berkshire the same kind of man as the Radical Members returned for Leeds and Birmingham? It was a laudable object of ambition in a large squire to represent his county, and to a merchant to represent his town; but, if the large squire happened to be so unfortunate as to have been born a Whig, he would, if there were no minority clause, stand no chance of being elected by his county, nor would a Conservative merchant stand a much better chance of being elected by his town; but with that clause he did stand a chance, and those who were of his opinion had the power given to them of giving their opinions effect, and the consequence was that they got what was so desirable—a true reflex of public opinion. It was absurd to tell the 15,000 Liberal electors of Liverpool that they were not to have a candidate because Liberal Members were returned for Glasgow and Manchester. To do that would be to go back to the obsolete argument of virtual instead of direct representation, when it was said that the Members for Gatton and Old Sarum represented everybody and everything but the places for which they sat. Then he might be told that he was arguing in favour of theories which might be admirable for study at the winter fireside and as philosophical disquisitions, but were not calculated to afford any basis for legislation. But he would remind the House that he was not in favour of the representation of persons, but of localities and communities; but he had yet to learn that minorities did exist in space as undoubtedly they did in time. To tell him that the legitimate result of his argument was, that electors returning two Members should only have one vote was to reduce his proposition to an absurdity, because to do that would be to deprive the majority of their right to rule—a proposal he was not at all prepared to support. But in a political system like ours he had always thought it desirable, on public grounds, to interest, as far as possible, the different classes in the community in political questions. A majority had always a tendency to become larger; a minority to become smaller. People got tired of always fighting with a certainty of losing, and after several unsuccessful efforts gave up the contest. The result was that the minority at length took little or no interest in public life, and, therefore, it was of great service to the country that there should be a system which would give life and vigour to our political institutions without being attended by any corresponding disadvantages. It was this feeling that caused the disinclination to increase the representation of the metropolis. It was felt that, considering its wealth and population, London was inadequately represented; but it was also felt by many that, as all the Members returned were of the same political opinions, an increase of the number of representatives would not be attended with any advantage, and that it was the minority and not the majority in the Metropolis whom it was desirable to enfranchise. Against this Bill it had also been urged that its result would be frequently to deprive the Crown of valuable assistance, because no man who represented a minority would venture to accept Office with a certainty of being rejected by his constituency. But such a consideration was of little weight, for most of those who aspired to hold Office under the Crown would take care to be elected by majorities; while those who represented minorities were probably in no worse position than they would otherwise have been, for the absence of such a system might possibly have been attended by their exclusion from Parliament. Believing, therefore, as he did, that it would be unwise to repeal this Bill, he begged to move the Previous Question.

*Previous Question* put, "That that Question be now put."—(*Mr. Collins.*)

MR. GLADSTONE: Sir, I entirely concur with the hon. Gentleman opposite (Mr. Collins) in the opinion that this question is not one with which it is necessary to deal with reference to any considerations of party, the more so as it is undeniable that the Liberal party, from the working of this clause, has derived considerable advantage. It is not objected to on that ground by Members on this side of the House; but because, in our view, the advantage derived from it does not outweigh or even in any degree compensate the balance of argument which is against the principle of the minority clause. The hon. Gentleman who has just sat down, feeling that he has to argue for a novel proposition, says that new things may be good. That is a very good doctrine, and comes in the most graceful manner from the opposite side of the House. But there is another doctrine, its counterpart, which may also be propounded occasionally from this side of the House, and that is that, though new things may be good, old things may be good also. The ancient principle of representation is that which the large majority of Members on this side of the House have always held to be a good principle. The hon. Gentleman says he objects to the innovations caused by the Reform Act of 1832, before which time, he seemed to think, it was a principle of the Constitution that no elector should record more than two votes. But there are instances under the Parliamentary system, as it existed before 1832, in which more than two votes were given. I would remind the hon. Gentleman that the City of London has for centuries enjoyed the privilege of returning four Members to this House, and that a similar privilege was formerly enjoyed, through some mistake of the Legislature, by the small and insignificant borough of Melcombe Regis. That principle, however, if it ever existed, was emphatically repudiated when, by an Act in the present century, four votes were given to the electors of Yorkshire. But the fact is, the hon. Gentleman has been arguing the question of the tripartite division of seats, and not the question of the representation of minorities; and feeling, I think, that he was addressing an assembly opposed to the representation of minorities, he has, like a skilful advocate would do, thrown that part of the subject carefully into the background, and has argued upon the expediency of the tripartite division of seats. If it were necessary to follow the hon. Gentleman I should feel bound to dissent from much that he has said; but it is not advisable to encumber the comparatively limited proposition of my hon. Friend by introducing an entirely distinct and important question into the discussion—namely, in what proportions it is desirable to distribute the local representation of counties. There is the opinion in favour of the old practice of returning two Members; the opinion in favour of one Member; and also the opinion in favour of three, or even more Members. These doubtless are very interesting and important questions; but they are hardly legitimately to be imported into the discussion that has been raised by my hon. Friend behind me. Again, the hon. Gentleman, with considerable astuteness, has sought to obtain an advantage in the debate by dwelling upon the principle that minorities ought to be represented. There is no doubt that they ought to be represented; but that is not the question. I cannot conceive the existence of a more detestable Government than one which should ignore the rights and override the opinions of all but the majority by whom they were elected; but it is the opinion of this side of the House that minorities were represented before the clause which we are now considering was embodied in the Reform Act of 1867. They were represented, in the limited way to which Lord Althorp referred in 1832, by the third county Member. Even in the double representation minorities are often represented. Take, for instance, a borough where the two parties are not very different in strength. It cannot be said that the party which is the stronger can permanently hold the two seats. Now, I think I understood the hon. Gentleman to speak in favour of dividing the country into constituencies represented by only one Member; but in each constituency the minority would remain unaltered. But the fact is the majority of one constituency is the minority of another, and, even under such a system as that, the representation of minorities would be obtained, as it should be obtained, in the variety of the constituencies of the kingdom. Now, this is a question upon which I do not think it is necessary that these principles which combine Governments should be applied. It is a matter upon which everyone must necessarily be free to exercise his own individual opinion, introduced, as it has been, by my hon. Friend behind me, and not upon the responsibility of the Executive Government. But let me refer to the history of this question, and to the arguments which induced Parliament to incorporate the minority clause in the Act for the Representation of the People. The history of that matter must be well recollected by most hon. Members, and there can be nothing invidious in referring to it. The subject was discussed largely in the House when the Reform Bill of 1867 was in progress. The proposal was done ample justice to by the men of ability by whom it was supported, amongst whom I may justly mention my hon. Friend the Under Secretary of State for the Home Department. My right hon. Friend the Member for Birmingham (Mr. Bright), unfortunately not among us at this moment, was one of the most prominent in the opposition to it. It was opposed, too, by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who, speaking with all the responsibility which attached to his position, in a most able and, as I think, a conclusive speech, dealt with the whole subject, and on its merits condemned the minority clause. On a Division, a large majority of the House declined to adopt the clause, and the Bill then went to the House of Lords. In the House of Lords, the clause was inserted in the Bill by a large majority—a majority by no means of one political conviction. At the same time they introduced other important Amendments. The other Amendments introduced by the House of Lords were Amendments which the Liberal party were united in opposing; and as the Liberal party, when united as a party, commanded the majority in that Parliament, it was not in the power of the right hon. Gentleman, although at the head of the Executive, to induce the House to agree to the various Amendments made by the House of Lords, even although they might have been Amendments in which the right hon. Gentleman and his Government concurred. But the right hon. Gentleman was naturally anxious not to override in every particular the legislative power of the House of Lords, and so, without concealing his preference for the old and more constitutional system, the right hon. Gentleman recommended the House to adopt the minority clause. The right hon. Gentleman was followed, from mixed considerations, by a very large portion of his party; and the minority clause was, therefore, carried, in deference to the wishes of the House of Lords, by a majority made up chiefly from what is now the opposite side of the House, and by a minority of the Liberal party; but this is unquestionable, that during the debate on the minority clause the majority of hon. Members did not conceal their disapproval of the proposition. That is, I believe, an impartial statement, and I intend by it to convey nothing disrespectful to anyone, but simply to remind the House what the real circumstances were. It is manifest that, under these circumstances, the authority of the clause cannot be held to be very great, and we may approach this question of the minority clause without any apprehension that we are profaning the sanctuary of the Constitution, even although we think ourselves obliged to examine it a little more closely than we have hitherto done. What was the leading consideration which induced many most eminent supporters of the minority clause to support it at that particular time?—there was immense force in the objections against a partial adoption of the principle of a minority clause. Unless, indeed, I am much mistaken, many of its supporters went as far as to say—"We agree with you that the minority clause ought not to exist in our legislation in a partial form; but we are so convinced of its merits and beneficial working that we feel that if we can once obtain even the most limited recognition of the principle, it will give such satisfaction that our whole system of representation will be remodelled upon it, for the general adoption of the principle is the real object we have in view." This process is commonly called "getting in the thin end of the wedge," and it is a very useful process for those who happen to be right in thinking that when once the thin end is introduced the thicker end will follow, and the object they have in view be attained. But I ask those Gentlemen who hold the "thin end of the wedge" argument, not whether they have been converted with regard to their speculative opinions, but, whether, looking to the state of public opinion on this subject, and the unsatisfactory and vexatious manner in which this clause has worked in particular constituencies, they really think that, the "thin end of the wedge" having been inserted, it can be further propelled with success? It appears to me that the current of public opinion has been, in the main, decidedly unsatisfactory as regards the operation of the clause; and it may not be unreasonable for those who supported it in 1867, and who with sanguine hopes anticipated that experience would be so satisfactory as to lead to its general adoption, to admit that their expectations have not been realized. I think that, after all we have seen, there must be very few persons indeed who are of opinion that Parliament is likely to extend the operation of the minority clause. Probably there are among the supporters of the clause in 1867 some who, perceiving the extreme improbability of its extension, admit it is untenable in our present position, and therefore had better be parted with. So much for the history of the opinions advanced in 1867. The hon. Member opposite says that there is a precedent for this clause in the Oxford University Reform Act of 1854. Now there is, perhaps, no one sitting in Parliament who is so responsible for that Act as myself. Consequently, I am responsible for the introduction of the minority clause into that measure; but, so far from admitting that that is a precedent for applying the same principle to our Parliamentary representation, I say that the considerations which induced us to introduce that provision into the University Reform Act are the very considerations which condemn its applicability to Parliamentary representation. The principle of Parliamentary representation is, that we should recognize each constituency as being in itself an *integer*—as being in itself a community—and what we want in this House is to have the prevailing sense of the community. We do not want to have represented in miniature particular shades of opinion that may at the moment prevail in it, but the sense of the majority, which represents the whole community; because the community is, in the spirit and sense of the Constitution, recognized as being in itself an integral quantity. As the right hon. Gentleman (Mr. Disraeli) well said in 1867—"If the minority are discontented with the existing state of things, let them set to work and exert themselves until they become the majority." In the case of Oxford, however, we wanted to attain precisely an opposite object. That object was to set up the University apart from the Colleges, because it had been previously too much absorbed in the Colleges. We wanted to have general representation, and being extremely desirous not to have the Colleges represented as integral quantities, we introduced the minority vote, with a view to obtain the most general representation that could he had. There is, no doubt, an important argument which appears *primâ facie* to tell against the Motion of my hon. Friend, and there is another argument which I think especially tells in favour of it. The latter is an argument the consideration of which you may say the House ought to postpone. I admit that it may be brought forward in reference to the Bill of the Postmaster General. It is, nevertheless, quite plain that, if the House should think fit to adopt the principle of secret voting, it will give a greatly increased power and operation to the minority clause. It is possible now for a large majority, watching the course of the poll, to assert themselves as they have done at Birmingham, Glasgow, and elsewhere; but if secret voting be adopted, such voting will become totally impossible, and the majority will be deprived of the natural and legitimate defence they now possess. But the main argument which tells against my hon. Friend is, that it is better not to disturb what Parliament has so recently enacted. After the experience which we have had, I think that argument loses much of its weight. On the part of the Government, of course, I need not say that there did not appear to us to be any such urgency in the question as to make it our duty to include the minority clause among the subjects which we felt bound to consider with a view to legislation. But my hon. Friend, acting upon his own discretion, challenges our judgment on this question. In consequence of no prompting or encouragement by us, but using his own undoubted free agency, he introduces a Bill into this House, and demands of us that we should state what we intend to do with regard to it. I am prepared to answer my hon. Friend. I really cannot refuse to accompany him into the Lobby. I have referred to the undoubted sense of this House in 1867, and the manifestly exceptional nature of the motives which induced the House to acquiesce in the minority clause, although a large minority opposed it to the last; but, finally, is there any great value in the argument respecting disturbance? If the disturbance related to any important points in regard to which the Act of 1867 is not entirely satisfactory—if, for instance, my hon. Friend had asked us to reconsider the question of the redistribution of seats, I should have admitted the force of the argument about not disturbing what had been so recently enacted; because to re-open any of the questions connected with the framework of the Act would be highly inexpedient in a Parliament which is so closely occupied with other matters. But the Bill of my hon. Friend will not, in the slightest degree, disturb the framework of the Act of 1867. It appears to me that that Act will stand rather firmer on its foundations after this extraneous and peculiar introduction into it has been dismissed than it does at the present moment. I do not think, therefore, that the Bill of my hon. Friend is likely to have the slightest tendency to produce a general disturbance of the subject of Parliamentary representation and a reopening of a question which we do not desire to re-open at the present moment. I am not aware of any other strong argument which can be urged against the Bill, except by those who are, upon principle, advocates of the minority clause. These were, in 1867, a decided minority of the House; and I have not the slightest reason to suppose that time has altered their position in this respect. After these remarks I can only say that, though we have not treated this as a party question, or one in regard to which Government is specially responsible, I shall give my cordial support to the Bill of my hon. Friend.

MR. MORRISON said, he had risen for the purpose of seconding the Motion of his hon. Friend the Member for Boston (Mr. Collins); but he had been prevented from doing so in consequence of the First Minister of the Crown interposing. He was unable, however, to agree with much of the extraneous matter in his hon. Friend's speech, particularly that part of it relating to the conduct of the two great political parties on the question of Reform. He was prepared to support any proposition for applying the principle of three-cornered constituencies over the whole of England, although that would involve the apportionment of representation in strict accordance with population. He agreed with his hon. Friend that the introduction of the present Bill was inopportune. The time of the House had been sufficiently taken up of late in considering the question of the representation of the people, and hon. Members might fairly ask for leisure to deliberate on subjects which had been postponed in consequence of the omnibus of Reform stopping the way. He distinctly disclaimed the idea of the First Minister of the Crown that his hon. Friend the Member for Bury St. Edmunds (Mr. Hardcastle) was raising a very small question. The Act of 1867 might be left alone; but he warned the right hon. Gentleman that, if the question of the redistribution of seats were reopened at all, it might perhaps bring on an agitation for a much larger object than he had at present any conception of. The hon. Member for Bury St. Edmunds seemed to be under the delusion that this was an Enfranchisement Bill; but the immediate effect of the minority clause was to enable 14,000 or 15,000 Liberal electors of Liverpool to obtain a spokesman in the House of Commons. It would be rather dangerous to compare Liverpool with the borough which the hon. Member represented, and which contained a population of about 13,000, including men, women, and children. Now, if the existing right of the 14,000 Liberal electors of Liverpool were disputed, the people of England, or, at all events, the Radical party, would ask why the borough of Bury St. Edmunds and a hundred other small constituencies should return one or two Members while the counties, the great boroughs, and the metropolis itself were not admitted to their rights. The hon. Member for Bury St. Edmunds did not fall into the same fallacy as the First Minister did when he spoke of minorities being "virtually" represented. He thought the House had heard the last of that argument in 1867, when they were told that, though the working men had no votes themselves, they were virtually represented by the middle-class electors. It was obvious that everyone would rather look after his own interest than leave it to the guardianship of some person whose name he had never heard. The First Minister said that, by the operation of chance in our "happy-go-lucky" system, a particular opinion which cannot obtain representation in one constituency obtains it in another; but why should not the result be obtained by direct instead of indirect means? He denied, however, that we did obtain representation of all opinions in the House of Commons; and still less were they represented in proportion to the amount of strength they commanded outside the House. People were apt to forget the changes which had passed over modern society. The First Minister had spoken of the old method of giving a voter as many votes as there were candidates as being a return to the old lines of the Constitution; but we ought to recollect that our Parliamentary system was commenced in times when society was very different from what it was at present. Then the distinctions between parties were horizontal rather than vertical. First of all there was the King; secondly, the clergy; thirdly, the nobles; and, lastly, the middle class—the freeholders in the counties and the burgesses in the towns, who returned the Members to the early Parliaments. At the present day, however, parties were divided vertically. Besides that, the whole current of the changes we had passed through tended in the direction of making men more and more cosmopolitan. In the time of our early English Parliaments a man who was born in a particular borough in all probability lived there during the whole of his life, and the interests of each community was as nearly as possible homogeneous; whereas the case was now entirely different, in consequence of the greater facilities for locomotion and the spread of education. The right hon. Gentleman had stated that we attained a virtual representation of minorities by means of the variety of our constituencies. That variety was every year becoming less and less marked, and a great change had occurred in this respect even since the passing of the Reform Act of 1867. He agreed with the right hon. Gentleman and with the hon. Member for Bury St. Edmunds, that those who advocated the introduction of the principle of the minority clause into the Bill of 1867 did so on the ground that it was the thin end of the wedge, and would lead to the extension of the principle over the whole of England. He himself was one of those who voted for the clause with that end distinctly in view; and although he was willing to admit that on the surface the system of proportional representation did not appear to gain additional favour in England or inside that House, yet he felt certain that, among the yonnger class of politicians outside, and among thinkers on the Continent of Europe, and in America, this principle was surely gaining ground. Therefore, in voting against the Bill, he wished to hold on to the first step ever taken in England towards a fair system of apportioning Members according to the population. The Member for Bury St. Edmunds appeared to be sorely perplexed by the operation of the minority clause in certain constituencies; and he instanced Manchester, where the Conservative candidate was returned at the head of the poll, the two Liberal candidates each having slightly fewer votes than he. But this result accurately represented the strength of parties in Manchester, because there was almost as great a divergence between the Whig and Radical sections of our town constituencies as there was between the Whigs and the Conservatives. He was, therefore, not astonished to find that the Conservatives, who had a smaller programme, held together better at Manchester than the Liberals. Again, the hon. Member was sorely perplexed because Liverpool returned a local politician instead of his right hon. Friend Mr. Massey; but this was only another proof that, by introducing proportional representation, more liberty of choice and greater power were given to individual electors; for no doubt one reason of the success of the hon. Member for Liverpool (Mr. Rathbone) was, that he was favourably known by his exertions on behalf of that town, whereas Mr. Massey was a comparative stranger. For similar reasons, perhaps, the Liberal Member for Berkshire (Mr. Walter) was preferred to his hon. Friend the present Member for Nottingham (Mr. Auberon Herbert); but was not Berkshire better represented now than it was before—and would it be desirable to see that county represented by three Conservatives? The hon. Member for Nottingham, like himself, happened to belong to the little body of politicians called "philosophers," who paid much deference to the opinions of Mr. John Stuart Mill; but, judging from the fate of various candidates, that body did not seem to find favour with English constituencies. They advocated the representation of opinions instead of the representation of the aggregation of houses or of so many acres and square miles. Desiring to get at the opinions of the people who lived in those houses or upon those acres, they paid but little attention to mere geographical position. The Member for Boston was affected by an old constitutional superstition when he supposed there could be a representation of communities independent of the people who formed those communities, and who did not all entertain the same opinions. Again, it had been said that this principle of proportional representation had only been accepted by insignificant Assemblies. He presumed that the allusion was to the discussions some years ago in the Parliament of Australia, and those at the Cape of Good Hope. He did not think, however, that his hon. Friend (Mr. Hardcastle) could have paid much attention to the present position of this question on the Continent of Europe and in America. Perhaps his hon. Friend had heard nothing about the acceptance of the principle of personal representation many years ago in Denmark? It was in 1855 that the Finance Minister of that country caused the introduction of a system, curiously like that subsequently proposed by Mr. Hare, into the Constitution of Denmark. In 1863, after it had been on a trial for eight years, it was fully discussed in the Danish Chambers, and in 1866, after it had been in operation 11 years, it was embodied in the new Danish Constitution, which was rendered necessary by the loss of the Duchies of Schleswig and Holstein. He would now refer to the example of Switzerland. At Geneva, in consequence of the street riots, which led to much loss of life in 1864, the best men of different parties agreed to form the *Association Réformiste,* which, since that period, had been preaching the doctrine of proportional representation in Switzerland, A few years ago the question was discussed in the Swiss Chambers, and subsequently the principle supported by Mr. Hare was referred to a Committee. A considerable minority of the Members of the Committee were in favour of the scheme, but the majority objected to its adoption, because they advocated a further examination of the question, with regard to what was known as the cumulative vote. At Neufchatel a Committee recommended the adoption of the principle into the State Constitution; and at Zurich, not only was a strong party in favour of the adoption of the principle, but they carried it to its most extreme limit by relegating the decision of every question, however small, to the whole body of electors. His hon. Friend might, perhaps, say that these facts ought not to weigh much with us, because foreign countries were differently circumstanced from Great Britain; but, inasmuch as the party most strongly opposed to proportional representation in England might be identified generally with the Manchester School, and as they were in the habit of always holding up to us the example of America, no doubt his hon. Friend would pay some deference to what had been done in the United States. Last year a Committee of the Senate, which surely was no obscure representative Assembly, was appointed to inquire into the subject of the cumulative, or, as it was called in America, the "free" vote. That Committee, composed of Senators of various parties, agreed on their Report on the 2nd of March, 1869, and resolved unanimously that it was desirable to do away with districts altogether, to give each voter as many votes as there were Members to be returned, and to allow him to split those votes among all the candidates or cumulate them upon one. Outside of Congress the principle of the representation of minorities was winning its way, and it had been applied to the election of Judges in the States of Pennsylvania and New York, and it was on the point of being introduced into that of the Governing Body of Harvard University. Hon. Members, who looked upon the United States as an example to be followed, should be informed that a Report had been made by Committees of the State of Illinois appointed to consider whether the Constitution should be revised, recommending that the State should be divided into three-cornered constituencies with the cumulative vote on the 10th of March, 1870; the Convention confirmed the Report by a majority of 5 to 1. It had been said—"What Illinois says today, America will say to-morrow." All the Chicago papers favoured the new principle; and therefore the question, so far as it had gone in America, could not be said to be favoured only by "obscure bodies." He (Mr. Morrison) believed that the adoption of that principle here would ultimately lead to the adoption of Mr. Hare's plan. The hon. Member for Bury (Mr. Hardcastle) had urged, among other objections to Mr. Hare's scheme, that it would bring so many candidates into the field; but this was one of the principal arguments in its favour. The hon. Member also objected that it would bring into the House so many advocates of crotchets; and in speaking upon this point he was very hard upon the hon. Member for Carlisle (Sir Wilfrid Lawson), for he seemed to regret the presence of a single representative of the United Kingdom Alliance. Indeed, the hon. Member pointed out that if proportional representation were carried out to its full limits, the House would contain six or seven representatives as mad as his hon. Friend the Member for Carlisle; and he went so far as to say that persons with crotchets never entertained intelligent views upon great Imperial questions because they over-estimated the importance of the one idea. As he generally found himself in the same Lobby as his hon. Friend the Member for Carlisle, he protested against the dogma that a man strongly in favour of an unpopular proposition was of necessity incompetent to form an opinion upon any other. And he asserted that it would be most desirable if representatives of every considerable body holding opinions peculiar to themselves were represented in the House of Commons, because those opinions would then be discussed under circumstances in which the speakers would be amenable to strict rules of debate and be confronted by able opponents, instead of urging their arguments in assemblies all of the same way of thinking. Among the ancients each party collected their constituents in the market-place; but one of the weaknesses of the system was the excessive power of the majority. The principle upon which representation should be based was, that a hearing should be obtained in the Legislature for advocates of every diversity of opinion mustering a very considerable number of adherents —that, in fact, the minority should be represented, but that the majority should rule. Even without the three-cornered principle, there were many cases in which the minority had succeeded in obtaining representatives. Southwark, the other day, presented an example of that kind. There were three parties who were about equal in numbers, and though the Liberals and Radicals together had a majority of nearly two-thirds among the constituents, a Conservative was returned. It would be invidious to mention cases in which Governments the representatives of minorities ruled the country; but he could not help referring to the fact that the proposal of household suffrage came from the Leaders of the present Opposition, when, perhaps, not one-tenth of the House was in favour of the step as it was eventually adopted. Household suffrage was proposed with safeguards; but the Radical party swept away the safeguards and household suffrage was carried by a ludicrously small majority. But had it not been so we should at present be in the midst of a violent agitation for Reform. The representation of Lancashire was an instance of the absurd character of our electoral system. The eight Members returned by its four divisions were all Conservatives. At the last Election 26,000 persons voted on the Conservative, side, and 24,000 voted on the Liberal side so that it was only necessary to convert a little over 1,000 Lancashire men to Liberal views to turn the whole of the representatives into Liberals. A change of 4 per cent in the electors would make a change of 100 per cent in the returns. In either case the effect would be bad, because the very large minority would go entirely unrepresented. It often happened, too, that about half-past three a very small minority of the electors had the result of a contest in their own hands. In reply to an hon. Member who called his attention to Westminster, he might observe that the case of Westminster was singular, but had no reference to his argument; he would, however, express a hope that at the next General Election the constituency would again return the most excellent of all representatives to Parliament. Another reason why he advocated a change was, that he thought before long they would find it necessary to make room in the House for the representatives of the working men. He was convinced that the working men would, before long, demand to be more effectually represented. The war between capital and labour must be settled. However trifling the minority scheme might appear, it involved a great principle, and he had accepted it as an instalment of future Reform; but when they were talking about Reform they could not do better than first to admit within their walls the representatives of different opinions. It would be a great advantage, too, to give a greater latitude of choice to the electors; an illustration of which was afforded recently at Bristol. He protested against the doctrine asserted by the Prime Minister, that this clause could be allowed to stand alone; on the contrary it involved the whole question of the redistribution of seats, and he claimed his hon. Friend the Member for Bury as an ally in that direction. The Prime Minister had observed that the opinion of the House of Commons was decidedly against the minority principle in years gone by, and this was quite right; but it was possible that if the scheme were put before the country in a more complete and thorough manner a few years would discover a majority in its favour. It was only last year that an hon. Member sitting behind the Government (Mr. Stapleton) proposed a restricted vote for the election of Representative Peers of Scotland, and what said the First Lord of the Treasury? He said it was impossible to resist that principle in the case of Scotch Representative Peers. But if the adoption of the principle was advisable in the case of Scotch Representative Peers in order to swell the Ministerial majority, surely it could not be objected to in other cases.

MR. J. HARDY said, he thought it would be unwise to disturb an arrangement which had been come to so recently as 1867, and which had been recommended to the House on the authority of the then Government. It was not a party question, but it was generally accepted as a compromise. He had originally supported—and should still support—the minority clause, because he believed that it was just and necessary; and on that ground it had been supported by men of weight on both sides of the House. No argument could be adduced in favour of allowing great cities to monopolize the representation, or of giving residents in large communities half-a-dozen votes while electors in small constituencies had but one. At the time when the minority clause was proposed some of the large boroughs were asking for six Members; and it would have been monstrous that Roman Catholic electors in them should have had the right to give six votes at every General Election. If there was no such clause as this, the result would be that the large boroughs would become as inaccessible as the small boroughs formerly used to be. It was a question in which the interests of the whole country were concerned. There was no reason for reopening the subject now, and, above all, he thought they should postpone the consideration of it until the measure of the Government relative to the Ballot was before them. He should heartily support the hon. Member for Boston (Mr. Collins).

SIR GEORGE GREY said, he wished to explain in a few words the reasons which induced him to oppose the Bill. The chief of them was the inexpediency of reopening a question which was settled in 1867 by agreement between the two Houses, without any pressing necessity for such a step. The provision which the Bill would repeal had been inserted in the Reform Bill as the result of a compromise, the other House consenting to give up certain Amendments to which they attached great importance, and the House of Commons agreeing in consequence to accept this minority clause. Allusion had been made to the legislation of last year with reference to the compound householder; but in that case there was a pressing necessity for an amendment of the law, arising out of the inconvenience experienced by local authorities in the collection of the rate—a state of things unforeseen by the promoters of the Reform Bill. In this case, however, there had been no strong appeal for an amendment of the law; in fact, the thin attendance of Members during the greater part of the debate, and its languid character, showed what little interest was taken in the subject, and what little occasion there was for this Bill. To pass the Bill under such circumstances would be to invite its summary rejection by the House of Lords, who would not be encouraged by this step to come to an arrangement with the House of Commons in any future differences that might arise between the two branches of the Legislature. He had seen no reason to alter the opinion he expressed when the question was discussed in 1867—that it was desirable in the case of large constituencies to provide for the representation of minorities—not their virtual representation only, but their direct representation, especially in the case of constituencies where the parties were about equally divided. The First Lord of the Treasury, as an argument in support of the Bill, had urged that it was desirable to secure the real expression of opinion of each constituency in the country; but he (Sir George Grey) thought the prevailing opinion of Liverpool was much more accurately expressed by the two Conservatives and one Liberal it had sent to the House than if all the Members were of one political party. In Birmingham, Glasgow, and where there was a very great preponderance of opinion on one side of politics, the minority clause had produced no effect; but in Manchester and Leeds, where the minority pressed close on the majority, the clause had resulted in a more perfect representation of the general opinion of the constituency. He admitted that there might be better ways of producing the result than that at present in force; he had supported a Motion for the division of the city of Glasgow, on the ground that the inhabitants desired it, and that it was expected the minority would in that way best obtain a share in the representation. This Bill simply proposed to expunge the minority clause from the Statute, but this summary manner of dealing with the question was most unwise. If the House was dissatisfied with the present system some other more effectual means should be proposed with a view to effect an object which was advocated by some of the profoundest thinkers and ablest political writers of the day. As he was not disposed to treat all their arguments as worthless, he should oppose the Bill.

Mr. WALTER said, he felt he would be hardly justified in giving a silent vote upon a question in which the constituency he represented was so directly interested. So far, however, as his own position was concerned he was not at all certain that, in the long run, the chances of his enjoying the honour of a seat for that county had been improved by the passing of the minority clause. He had sat for Berkshire before that clause was adopted, and the difference it made generally speaking to the third Member—the Member of the minority—was that it deprived him of the votes of the more moderate electors of the opposite party, and at the same time placed him more absolutely in the hands of those whom he more especially represented. He was not sure that such a position, however honourable in itself and satisfactory to a constituency, was that which an independent Member would especially covet. But notwithstanding these considerations, he protested against the question being re-opened in the present Session, because it formed part of a very much larger question, the principle of which the First Lord of the Treasury seemed to disparage in a manner which he thought unworthy of his great intelligence. Personally, he (Mr. Walter) held a very strong opinion that the last Reform Bill was an utter failure as far as the re-distribution of seats was concerned; its provisions in this respect amounted to nothing less than trifling with the country. He had the honour to sit on the Boundary Commission—an honour for which he would always feel grateful to the right hon. Member for Buckinghamshire (Mr. Disraeli). The conclusion at which he arrived as the result of that inquiry was that, as far as the boroughs were concerned, no system could be more utterly anomalous and indefensible. The House could hardly be aware of the character of some of those boroughs. Aylesbury comprised a sixth of the whole county of Buckinghamshire; Shoreham comprised an eighth of the whole county of Sussex; Cricklade was 20 miles by 14 in extent; yet these places were called boroughs, and by the operation of the Reform Act, labourers residing within them were able to vote, while their neighbours on the other side of the hedge, in exactly the same circumstances socially speaking, were regarded as county residents, and left without direct representation. He asked the House to consider this anomalous state of things, as set forth in the Report of the Boundary Commission, and to judge whether so ridiculous a system was likely long to remain a part of the Constitution. This, however, was not the time to re-open the question under discussion, which must necessarily form a subordinate part of the general electoral system of the country. He was no supporter of Mr. Hare's or any particular scheme; his object in supporting the present state of the law was not so much to give direct representation to minorities as to prevent majorities from obtaining a larger share of representation than they were justly entitled to. The object of a General Election was to ascertain the aggregate opinion of the country at large; and when Mr. Burke said in a memorable speech that, although he sat for the city of Bristol, he was not the Member of Bristol, but of Parliament, he gave emphatic expression to the opinion that Members sat here not merely for the representation of particular constituencies, but for the consideration of measures which would be just and expedient in the interests of the whole country. If, then, the object of an election were to ascertain the aggregate opinion of the nation, the particular machinery which was necessary to attain that end was surely nothing but a matter of convenience and justice. It would be absurd that the opinion of the country should be indicated in one aggregate vote, in the proportion of one Member for every 500 people; but if you did not allow the representation of minorities in some form or other, that, however monstrous, was the conclusion you must come to. The only question was the most convenient mode of carrying out the minority principle, whether by geographical divisions, or by drawing, in the counties and boroughs, what he might term a numerical line between the electors who composed these constituencies. Take the case of Liverpool. It contained 500,000 people, and by any test of rating or population would be entitled to return from 10 to 12 Members. But would anybody contend that the electors of Liverpool should have the power of returning 10 Members of one way of thinking, when probably the majority who returned those Members was a very small one? So with Manchester and Birmingham; and the result was, that you must either divide these large communities, which were at present electoral units, or, as had been said, electoral integers, giving to each district one or two Members; or, if you continued them as single constituencies, you must have a minority clause limiting the number of votes. The more logical process might be to divide these large towns into districts; that might be the course ultimately adopted; but even then you would not get rid of the difficulty. You would have to fix the boundaries, a work of special delicacy and difficulty, which had given rise in America to a practice called "jerry-mandering," a periodical re-adjustment of boundaries with a view to upset the existing balance of power. This, therefore, was not an entirely satisfactory solution. What he contended was, that so long as you chose to exceed the number of two Members for a single community, the minority could be represented without any injustice to the majority. As to the case of the county which he represented, and of which he might be supposed to know something, he was not particularly enamoured of the present three-cornered system; and his opinion was, that if such a re-distribution of seats, as he thought ought to be made, were carried out by a Government resolved to deal honestly with the question — a thing not, perhaps, likely to come about in our day — Berkshire should be divided into two parts, each having two Members, and two little boroughs should be disfranchised, which, having regard to their population and importance, had no more right to return Members to Parliament than many of the old boroughs which had suffered disfranchisement already. In that way you would get an infinitely more complete representation of Berkshire than it enjoyed at present. What was the case in that county? A population of 125,000 returned three Members to Parliament. The four Parliamentary boroughs, with a population of 50,000, returned five Members. On what ground of justice or common sense could that state of things be defended? The arrangement he had suggested would be an honest and just mode of settling the question in Berkshire, and, no doubt, plenty of hon. Members could point to pretty much the same anomaly in their own counties, and would say that similar reforms were needed. He would not trouble the House further, but felt that in the position he held he could not give a silent vote on this subject; and, as long as the present distribution of seats existed, together with a three-cornered system—a system which he did not defend, but which he accepted as a fact — so long he should think it his duty to support what he believed to be a just and honest solution of the difficulty.

MR. GRAHAM said, objections had been taken by hon. Members against bringing forward this question, on the ground that it was so immediately after what was alleged to have been a settlement of the matter with the House of Lords. He entirely admitted that, had the matter so settled been a question of principle, there might have been great force in this. But what was settled, he ventured to think, was not a question of principle at all. Almost at the close of the Session, the minority clause was introduced into the Representation Bill by the other House of Parliament. The House of Commons was then exhausted with the long discussions it had had upon the subject, and held that it was better not to imperil the whole Bill, on a question which applied only to a small number of the constituencies, and therefore the House consented to allow the minority clause to pass, contrary to the protest of those most deeply interested. In so protesting, hon. Members maintained their right to reopen this question whenever an opportunity presented itself. On that ground he held that they were not violating any compact, and that they had a perfect right to reopen this question. He ventured to point out that the arguments they had heard that day raised entirely false issues. The House was not discussing the principle of minority representation at all, but the question of the misrepresentation of a very small number of the constituencies of this country. If the question of the redistribution of seats and the corrupt state of representation alluded to by the hon. Member (Mr. Walter) were before the country, he might, perhaps, be a convert to the views of the philosophical party below the Gangway. But the point was this—Out of the constituencies of the country 13 were selected, to whom the House of Commons, after due consideration of their numbers, wealth, intelligence, and importance, awarded additional representation; and the Bill embodying that representation was sent to the House of Lords. There a clause was inserted which virtually took one-half of the representation away from those constituencies. He believed it might be just and desirable to divide these large constituencies, and, to some extent, a representation of minorities might be obtained by such a division; but so long as these constituencies remained electoral units, as they were at present, the representation which they enjoyed was by no means disproportionate to their just claims; and it was a great hardship upon them that upon every question of importance discussed in this House their voice should be deprived of its just weight, and their representation practically reduced from three to one. This result would have happened in Glasgow, but the excellent discipline and the wonderful intelligence of the electors there — an intelligence equalled in few other constituencies in the kingdom, and excelled in none—enabled them to baffle the tactics of their opponents. If, however, the Ballot became law, their difficulties under that system would undoubtedly be increased, though he had no fear but that the intelligence and pervading Liberal spirit of his constituency would enable them to cope with these difficulties, and that the representation of Glasgow would remain very much what it was at present. Meanwhile, the three-cornered constituencies were unjustly treated, and by maintaining the existing system you were not serving the principle of representation by minorities, but were really prejudicing that principle in the public mind, and were doing it great damage. In his opinion, also, if the Bill passed a much better feeling would arise in these constituencies between the opposite political parties, for his experience was, that in Glasgow the clause provoked an amount of bitterness and ill-feeling which had not previously existed.

Mr. NEWDEGATE said, he sincerely regretted the absence of the Chancellor of the Exchequer, because he could not help thinking that the First Lord of the Treasury had taken advantage of the absence of his right hon. Colleague in his argument. The right hon. Gentleman had endeavoured to induce the House to overlook the ground on which the Chancellor of the Exchequer proposed these clauses, which was the extent of the change effected in constituencies and the representation by the Reform Bill of 1867. The First Lord, apparently forgetful of the extent of the change in the constitution of Parliament he had largely contributed to effect, condemned these clauses as a new invention, and said that he preferred the ancient forms of representation. But he (Mr. Newdegate) would call attention to the great difference that there was in the representation of the country in former times as compared with the present. In 1793 a Petition was presented to this House by Earl Grey, then Mr. Grey. He would read an extract from the Petition of the "Friends of the People," which was presented by Mr. Grey. They wished to show how wonderfully restricted the franchise was made under the circumstances of that time. The document was as follows:—

> "They affirm that in addition to the 70 hon. Members so chosen (those for absolutely nomination boroughs), 90 more of your hon. Members are elected by 46 places, in none of which the number of voters exceeds 50. They affirm that, in addition to the 160 so elected, 37 more of your hon. Members are elected by 19 places, in none of which the number of voters exceeds 100. They affirm that in addition to the 197 hon. Members so chosen, 52 more are returned to serve in Parliament by 26 places, in none of which the number of voters exceeds 200. They affirm that in addition to the 249 so elected, 20 more are returned to serve in Parliament for counties in Scotland by less than 100 electors each; and 10 for counties in Scotland by less than 250 each; and this your Petitioners are ready to prove, even admitting the validity of fictitious votes. They affirm that, in addition to the 279 so elected, 13 districts of burghs in Scotland not containing 100 voters each, and 2 districts of burghs not containing 125 each, return 15 more hon. Members; and in this manner, according to the present state of the representation, 294 of your hon. Members are chosen, and being a majority of the entire House of Commons, are enabled to decide on all questions in the name of the whole people of England and Scotland."

Thus it appeared that about 16,000 electors returned a majority of the House. Now, who would compare that system of representation with the present or with the requirements of the present? It was clear that the requirements of the present system of representation were totally different from those which existed under the system here described. That old form of representation had its advantages. By means of the rotten boroughs minorities in this country and great part of the Colonies were represented. Small as the number of electors in those boroughs were, those electors were representatives of their fellows, and the Parliaments thus returned were not inferior in talent to the present Parliament. Now there was household suffrage not only in the towns, but in those districts described by the hon. Member for Berkshire (Mr. Walter); and he thought that the First Lord of the Treasury, and those who opposed the existing means for the representation of minorities allowed their minds to cling too closely to the past, and did not realize the changes which they had themselves brought about in the representation. The right hon. Gentleman said, in 1867—"This is a great principle. The clauses are but the commencement. The principle will grow." Yes, it was growing, for the two Republics of Switzerland and America—as had been so ably shown by the Member for Plymouth—now felt that some such means as those of which it was now sought to deprive us, were necessary in order to secure a fair representation of the people. In Birmingham some persons had complained that the uniformity in the representation of that borough was threatened by the minority principle. What better result could be desired? The right hon. Gentleman the President of the Board of Trade (Mr. Bright), whose absence the House lamented, claimed the whole representation of Birmingham as his own; in debate, even, he spoke of it as a monopoly. He (Mr. Newdegate) disputed this claim, and denied that a majority — perhaps a small majority—of a large number of people had the right to enjoy a monopoly of Parliamentary representation. Great as the oratorical powers of the right hon. Member for Birmingham undoubtedly were, his views were peculiar and extreme. He (Mr. Newdegate), as representing the minority of Birmingham—for the freeholders of that town, as of others, voted for the county Members—had, of course, watched the declarations of the right hon. Member for Birmingham, and remembered that during the agitation, which he carried on with respect to Reform in Parliament, in the years 1858 and 1859, that right hon. Gentleman denied the special claims of the educated classes to enfranchisement. In speaking of the professional classes, he said that, in his opinion, neither the doctors nor the lawyers had any peculiar claims to enfranchisement on account of their superior education; and of the humbler and working classes he said, that if they had intelligence enough to know for which party they ought to vote, that would be sufficient. In 1867 that right hon. Gentleman was one of the most strenuous opponents of the clauses now under discussion. He (Mr. Newdegate) feared that the chief objectors to the minority clause were those who thought more of party than of a fair representation of the people. The principle might not be perfectly applied by the clauses in the Act of 1867; but it was the only mode of securing a representation of minorities that was now offered to the House; and he claimed the experience and authority of the United States and Switzerland to show that we were bound to secure by some means—better means, if they can be devised, than those already provided; but by some means to secure the representation of minorities. On the Continent it was universally admitted that the system of *plébiscites* had become the instrument of despotism. The unchecked voice of a majority constituted a despotism. The system of caucus was the curse of the United States; and, therefore, in the interest of freedom, he hoped that the House would not depart from the arrangement at which it had arrived by agreement with the House of Lords. The representation of minorities was a Conservative principle, not in a party sense, but in this sense—that it was conservative of the great peculiarity of the English Constitution, whereby minorities had at all times been represented. This was a glorious characteristic of our Constitution; it was one of the advantages of which foreigners were becoming aware, and which the House should on no account consent to surrender.

Mr. DODSON said, he wished to say a few words in explanation of the vote which he should give. He thought that constituencies possessing more than two Members were attended with considerable inconvenience. Such constituencies presented a choice of difficulties. Under the majority system there was a monotony of opinion, accompanied by great voting power emanating from a few centres. On the other hand, if Members were returned on the minority system, you got in this House antagonism of opinion of the most undesirable kind, because coloured by local disputes, and you also got a paralysis of voting power. Besides, if because constituencies were very populous or very wealthy they were to be represented by a preponderating number of Members, there was no reason for stopping at three or four. As the tendency of modern civilization was to concentrate population and wealth, there was no reason why, if we acted logically on the principle of multiplicity of Members, constituencies might not justly claim to return six, seven, eight, or even a greater number of Members. It seemed to him that there was rough justice and common sense in the system under which important constituencies returned two Members and less important constituencies returned one. When he spoke of the relative importance of constituencies, he did not understand an importance measured arithmetically by the number of the population, the value of rateable property, or the amount contributed to the income tax. By the importance of a constituency he understood not only its population and wealth, but also geographical position, the interests it represented, and that character and repute which gave a peculiar personality to certain towns or counties in England. If two Members did not suffice to discharge the duties of representation in any of these cases, it had always appeared to him that the proper course was not to multiply the number of Members, but to subdivide the town or county. You need not adopt the principle of dividing the whole country into constituencies each returning one Member; but you might act on the old and simple theory that some constituencies should return two Members and others one. If a constituency required three Members, he would divide it so that one part of the constituency should return two Members and the other part one. When that principle was adopted, he would vote cheerfully for the repeal of the minority clause; but until that time arrived, he was unprepared to give such a vote—not because he loved the representation of minorities much, but because he liked the system of representation by a multiplicity of Members voted for upon one "ticket" much less.

Mr. BUXTON said, he was surprised that the right hon. Gentleman the First Lord of the Treasury had used an argument that used to be put forward against the introduction of the minority clause, but which had now vanished away. Time—the devourer of all things—had devoured the argument on which great stress used to be laid—that the representation of minorities would be a novelty in the British Constitution. That argument could be used no longer. This arrangement had now been part of the British Constitution for three years, and had worked most satisfactorily, and he admired the courage more than the discretion of those who now came forward to attack it, considering how distinctly experience had been in its favour. If anyone had a right to complain of it it would be the Conservatives, because, on the whole it had worked favourably to the Liberal side, giving them, in more than one case, representatives who would otherwise have scarcely had a chance of succeeding. No doubt in two or three cases it had worked the other way, as for example, in Manchester, and the City of London; but he could not understand how any fair mind could regret that the immense body of Conservatives — men, too, of such vast importance in the country as those living in these great centres of industry, should have been able to obtain in Manchester one in three and in the City one in four Members to speak on their behalf in the House of Commons. Now, the main objection urged against this plan was, that under it some of the largest constituencies in the country found their political influence partly cancelled, because the vote of one of their Members was neutralized by that of the third or fourth Member. He cordially accepted the premises of those who made that objection, although he entirely differed from their conclusion. He warmly agreed with them that those great constituencies ought, even beyond all others, to have the most entire and perfect representation. It was important not only to them, but to the country, that their views should receive the fullest expression in the national Council. Well, that was exactly what this arrangement provided. Wherever one of these great constituencies belonged to one or the other political party, under this scheme that fact received its perfect expression. Birmingham, for example, had three Members all voting on the same side, because that was the side adopted by the great mass of that constituency. On the other hand, in the case where a considerable proportion of the constituency held an opposite opinion to that of the majority, there, again, that difference of opinion was under this arrangement adequately expressed in Parliament. In fact, under it the mind of the country was exactly mirrored forth. The constituency had that influence on public affairs which it ought to have. Where a full third of them differed from the rest, that third was put in possession of its due share or political influence. It obtained, at any rate, a spokesman to represent its political views, although in actual Divisions it had to yield to the conclusion arrived at by the majority. The whole question, in fact, turned on what was understood by Parliamentary representation. Those who objected to the scheme must really do so upon the assumption that Parliament was a sort of machine for registering conclusions already arrived at by the nation; but they omitted from their view of it that which was assuredly an essential part of its character, that it was a deliberative Council, in which every important opinion ought to have its spokesman to plead on its behalf—in fact, that Parliament was, so to speak, the brain of the nation, in which questions ought to be thoroughly pondered and discussed before action was taken upon them. That, surely, must be the true view of the matter, and that view logically led to the conclusion, that the representation of minorities was an essential part of a perfect Parliamentary system; for if they were not represented it might frequently happen that debate and discussion on great questions might practically be extinguished altogether. It might easily happen that in almost every constituency in the kingdom a majority of mere numbers might be on the same side at a General Election, and although the minority might include a full third of the nation, and that portion the most educated and with the greatest stake in its prosperity, it might practically be altogether silenced. Now could they forget that many of the greatest causes had had to fight their way slowly upwards in Parliament against the almost universal opinion of the country? Catholic Emancipation, Municipal Reform, Parliamentary Reform, the Abolition of the Slave Trade and of Slavery, Free Trade, the Disestablishment of the Irish Church—these, and a multitude of other good and great causes were at first advocated by a small and even persecuted band, who pushed gradually their views forward by persistent debate in Parliament; and it would, he thought, be most disastrous if minorities had not the power to make their voices heard, and thus gradually win the mind of the nation over to their side. The danger that this might be so was very real; the experience of other democratic countries had shown that the danger really existed. Now, it was not only for the benefit of the minorities themselves that their voice should not be silenced, but it was very far better for the majority also that they should find themselves opposed—that there should be hostile criticism on proposals, and full debate and discussion upon them. If Parliament were really to be the Council of the nation, there ought to be a collision of mind with mind, and judgment with judgment; it ought not to be a mere machine for registering decisions already come at. It ought to be in very deed a deliberative Assembly. Moreover, the arrangement to which his hon. Friend (Mr. Hardcastle) so warmly objected could never take effect unless the minority amounted to at least one-third of the whole constituency, and that one-third must also act heartily together. It must be every man in earnest, or it would not have a chance of carrying its candidate. Another objection that had been made to this arrangement was, that it tended to put an end to political vitality in the constituency subjected to it. Experience had shown, however, that instead of quenching political vitality it it had a potent effect in kindling it. The truth was, that the real danger now-a-days lay in the direction of minorities becoming so absolutely powerless that they might sink into a state of dead stagnation. But this arrangement gave them hope—gave them life; they felt it worth while to organize themselves, and to make strenuous efforts to obtain representation. It stimulated the minority, but it stimulated the majority as well. It delivered the minority from apathy and despair, and the majority from the stagnation of secure triumph. The experiment had only been tried in a few constituencies; but, in those, experience as well as theory had been much in its favour. He trusted that those who supported it before would not now turn traitors to it. Other countries had been encouraged by our example to adopt this method of avoiding the great evils attendant upon partial representation; they would, of course, be greatly discouraged if they found we flung the plan aside after our first trial of it. He thought it would be highly discreditable to the House of Commons to be guilty of such a political vacillation; nothing would shake the confidence of the people in the House more than to find it shifting its opinion, from mere changeableness, without any sufficient cause, within three years from the time when it had deliberately determined to adopt this principle.

Mr. FAWCETT said, that the Preamble of the Bill, in somewhat stately phraseology, raised a question of vast and vital importance, for it asked them to declare that it was

> "Expedient to restore to the electors in the several counties and boroughs of the United Kingdom those rights which by the ancient law and custom of the realm belonged to such electors of voting at elections for so many persons as there are members to be returned to represent such several counties and boroughs."

He always thought that of all particular forms of carrying out the principle of minority representation, the House unfortunately selected the worst; and experience had strengthened his conviction of this, and that the plan of cumulative voting adopted in some parts of America was infinitely better than ours. The vital question raised was this—In each constituency are the wishes of the majority alone to be considered, or are the wishes of the whole community to be regarded as far as it is possible to give effect to them? He joined issue with the First Minister of the Crown when the right hon. Gentleman said that the majority of a constituency and the constituency itself were synonymous expressions. It was no valid argument to say that, in supporting the minority clauses, they were simply supporting that which was partial and limited in its operation, for they would be as logical and consistent as the House would permit them to be, and they would carry the system as far as they were allowed. The true notion of representation, as defined by the greatest writers on the subject, including De Tocqueville and Mill, was that the inhabitants of a country delegated to its representatives the duty and responsibility of expressing their wishes and their opinions in the Parliament of the nation. If the opinion of the majority only was expressed, what security was there that the opinion of the minority would be taken any notice of? He knew that our present representation of minorities was incomplete; but the Bill asked them to retrace their steps, and to declare that it was right and just that the majority alone in each constituency should be represented, and to such a declaration he could not be an assenting party. If it were asked, and if the demands of advanced Reformers were acceded to, and Liverpool and Manchester were allowed to have 10 Members each, they would be chosen as if there were none but Conservatives in Liverpool and none but Liberals in Manchester. This would not be representation, but a sham, considering that in Liverpool there were 15,000 Liberals to 17,000 Conservatives, while in Manchester there were 15,000 Conservatives to 17,000 Liberals. The First Minister of the Crown said that the minorities in these places were represented indirectly by the Members for other places; but one injustice did not neutralize another, and you could not do justice by means of two things which were unjust in themselves. Even if it were proved that the state of parties would not be affected in the slightest degree by a complete system of minority representation, that would not diminish his enthusiasm for carrying out some scheme of minority representation. What was to be desired was, not that the people of Manchester and Liverpool should feel themselves so hopelessly disfranchised, that they should close their interest in political life; not that they should be represented by a Member for a place 100 miles distant, but that they should feel they were directly represented by a man of ability and honesty. It was said that those who were in favour of minority representation were anxious by some dodge to give the minority supremacy; but Mr. Hare's scheme—the most perfect scheme of minority representation ever devised, and the only objection to which was that it was so perfect it was impracticable—would with absolute certainty secure supremacy to the majority. At present it was only an accident that the majority of the country were represented by a majority in the House of Commons; and it was quite possible that the majority in the House might represent the minority outside. There were 10 men who polled altogether 1,870 votes, and there were 10 rejected candidates who polled a total of 85,000; and these facts showed that by our present system we did not attain the representation of the majority. It was said that the minority in a constituency ought to work themselves up into a majority; but what chance had they of doing so unless they were to have a voice in this House? He could mention facts which would show that minorities were altogether excluded from the House. You could not go into any Irish constituency without finding that there was a considerable minority in favour of undenominational education; and yet they were altogether unrepresented in that House. This produced demoralization among public men, for while an hon. Member sat for a Radical English constituency, he was an enthusiastic friend of undenominational education; but when he sat for an Irish constituency, he became the friend of denominational education. This could not be good either for the man himself, for the House, or for the best interests of the country. Again, it was a notorious fact that in the towns of England there were numbers of working men who, rightly or wrongly, believed they could not be adequately represented in this House, particularly upon education and trades unions, except by men of their own cless; and yet they could not command a majority in any constituency that would enable them to return such a Member. The Ballot and the extension of the franchise were not the cures for all political evils. In America they had universal suffrage and the Ballot, and yet it was there that there was the strongest cry for some form of minority representation. Protection prevailed there; and the consequence was that, although there were a considerable number of free-traders in every district, they were absolutely unable to obtain representation and to provoke discussion. If it were penal disfranchisement to allow a majority to return two or three Members and a minority one Member, he could not adequately describe the punishment inflicted by giving a majority three or four Members, and leaving the minority unrepresented. It was said that Manchester and Liverpool were reduced to the position of places with one Member; but that was speaking as if only the bricks and the mortar were represented; and they were certainly represented with more accuracy than they would be if Manchester returned three Liberals and Liverpool three Conservatives. The proper remedy for such a state of things was not to repeal the minority clauses, but to re-distribute seats in proportion to population and wealth. Minority representation was the proposal of a distinguished statesman, whose absence from the debate would create surprise in the House and in the country—namely, the present Chancellor of the Exchequer. Why had he not come down to pour out some of the ridicule which he used three years ago upon the arguments adduced by the then First Minister of the Crown? He hoped the transference of the right hon. Gentleman to the Treasury Bench had not changed all his opinions, and that he was not prepared to throw them all to the winds, as he had done with regard to the principles of political economy. Three years ago the right hon. Gentleman, speaking of this very proposal, said—

> "It is impossible for me to conceive any proposal in favour of which stronger arguments can be advanced. Woe be to this country if we do not give this subject of minority representation our most thoughtful attention."

Well, great thinkers had given thoughtful attention to it, and they had arrived at the conclusion that if we went on the principle of simply representing majorities important opinions would be altogether unrepresented, and that the aim of all reforms of our representative system should be to give every elector the opportunity of being represented as far as possible by the man who would reflect his opinion with most accuracy, ability, and honesty. Then, and not till then, would Parliament become what it ought to be—the mirror of the nation.

Mr. RATHBONE said, he was opposed to the repeal of the minority clause. One argument formerly used had been wisely dropped. It was said that minority representation would lead to compromises which would interfere with healthy action in the political atmosphere; but in the constituencies affected there had been more contests under than there were before the representation of minorities; and the reason was, that before the minorities knew that if they were not content with one Member they would probably lose representation. The working of the minority clauses had, to a certain extent, disappointed those who, like himself, hoped that under them men of eminence rather than men of local influence would be returned for large constituencies. Men like Mr. Massey, who contested Liverpool, would not expect to be minority representatives; they would rather look forward to being the senior Members for large constituencies, and if returned as senior Members the minority clause made them independent of any such temporary unpopularity as lost the Secretary of State for the Home Department his seat, and a few years ago drove Mr. Bright away from Manchester. It was as enabling such men to retain rather than to obtain seats that he regarded the principle as valuable. The thing had not yet received a fair trial; and, unless we were prepared to adopt a better mode of obtaining the representation of minorities, we had better try our present clauses for a few years longer.

Mr. DISRAELI: Sir, it will, perhaps, not be thought unreasonable that I should make a few observations. I am of opinion that, on the whole, it will be the most prudent and profitable course for us to support the Previous Question. The right hon. Gentleman the Prime Minister has adverted to expressions of opinion of mine on previous occasions, and the different courses which, to some degree under my influence, the House took. I have not any quarrel with the reference made to my conduct and expressions by the Prime Minister. It was my duty, as I thought, in the state of Parliament, on the two occasions when this question was under discussion, to counsel different courses to be taken by the House. No doubt I was influenced in some degree, as I think it was my duty to be, by the desire to secure the passing of the Reform Bill by both Houses of Parliament in a manner which I thought, on the whole, would be most satisfactory to their feelings and to those of the country. But, although I think that was a consideration which ought to have influenced me, and which did influence me, that was not the only or the main reason which induced me to pursue a course which at the first glance appears to be inconsistent. The Prime Minister omitted to state, or perhaps forgot, that the question was placed before me on the two occasions under circumstances very different, and involveing very different responsibilities. When the House was first asked to sanction the principle of the representation of minorities—the House had not then settled the question of the distribution of seats, and the scheme of Her Majesty's Ministers had not then been sanctioned by the House. Now, I had reason to believe that had the principle been adopted, when it was first submitted to the House by the present Chancellor of the Exchequer, before the scheme which the then Government had prepared for the redistribution of seats had been sanctioned by the House, the success of the Motion of the right hon. Gentleman would certainly have been fatal to the Reform Bill. It was with that conviction, irrespective of my own individual opinions, that I felt it necessary to resist that Motion with all the influence of the Government. In saying this, I do not wish to conceal that my own feelings are not in favour of refined and fantastic arrangements for the representation of the people. I like what in our agricultural language is called the "custom of the country" in these matters; and the "custom of the country" is to bow to the feeling of the majority, and to that I have always been prepared to yield. But when the question was brought for the second time before the House it was of great importance, I will not say to conciliate the other House, but to show the other House that there was that degree of sympathy and mutual respect which I trust will always exist between the two Houses; and we had to consider a vast number of questions, some of them of great importance, suggested by the other House. One of them was the question of this minority clause, which had been carried by a large majority in the House of Lords, and was no doubt supported by a considerable number and by men of great eminence in this House, and it was a question which I thought a prudent statesman had a right to consider, because it was not brought before us under the same circumstances as on the former occasion, when, if the proposal had been carried, it must have influenced our whole scheme for the redistribution of seats. That was settled; the redistribution of seats was arranged and sanctioned by Parliament; and the new principle of the representation of minorities, as it was then passed by the Lords and submitted for the sanction of the Commons, could only be tried on a limited area and in a limited degree. Therefore, when we, on the whole, thought it our duty to recommend Parliament to accede to the Amendment of the Lords, we were, indeed, acceding to that which we had before refused, but what we had before refused would, had it been carried into effect, have influenced our whole scheme for the redistribution of seats; whereas, in the circumstances under which we yielded, this new principle was extremely limited in its application, and a trial could be made of it under circumstances and conditions advantageous and prudential. The House, by a large majority, sanctioned that course. It was not done, as the hon. Member for Glasgow (Mr. Graham) supposes, by co-operation between the Leaders of the two parties; on the contrary, the right hon. Gentleman the present Prime Minister did not support the course which the Government upheld on that occasion; but it was a course which I think was, on the whole, satisfactory to the country. The question now arises whether, after so brief an experience of this new system, with the experiment still going on, under limitations which can alarm none, and which, indeed, in their immediate consequences, cannot produce results which can sensibly influence the Constitution, it would be wise, with some degree of caprice, and I cannot think with any prudence, suddenly to change our course? I have not attempted to conceal my own personal feelings from the House on this occasion, and, taking a general view of all the circumstances, I think the most prudent course is to support the Motion of the hon. Member for Boston (Mr. Collins) which commits the House to no principle—which only declares that more time is needed for experience; and, under any circumstances, more time cannot be injurious, if we avail ourselves of the opportunity of testing the wisdom and the prudence of what is, without doubt, some innovation in our constitutional practice.

MR. HENLEY said, he would not trouble the House about the principle of the representation of minorities, for his vote depended on the question, whether the machinery for carrying that principle out was unobjectionable. In his opinion, the machinery was so bad as to be utterly destructive of the freedom of election, and consequently he could not refuse to vote with the hon. Member opposite (Mr. Hardcastle). In any borough or county represented by three

Members, if on a Dissolution there were two Liberal candidates, and the Liberal party were dissatisfied with one of the Liberal candidates, in what a position would the constituency be placed? Of course, the Liberal party would not be unanimous in their dissatisfaction, and they would not dare to put up a third Liberal candidate, for if they did they would let in a second Conservative candidate. In like manner, if, upon his (Mr. Henley's) going back to his constituents for re-election, a third Conservative candidate was put up, the probability would be that a Liberal would be let in instead. And what was the only remedy for preventing that result? It was a test ballot, or, what was worse, a "caucus." It was by means of a "caucus" that the operation of the minority clause was defeated at Birmingham. Let those who were in favour of the minority principle suggest some unobjectionable machinery. He regretted to re-open a matter which had been so recently decided; but let not hon. Members have this matter hanging about their necks.

Mr. HIBBERT could not give his vote in favour of the Bill without saying that he did not approve the state of law existing before the Reform Act of 1867. In the case of overgrown constituencies, the minority clause did not meet the difficulties of the case, especially as respects the expense which candidates were compelled to incur. The proper way of meeting the evil was to divide places with overgrown constituencies into a certain number of electoral districts; and with a view of arriving at that result, he supported the present Bill.

Mr. HARDCASTLE said a few words in reply.

COLONEL LOYD LINDSAY said, this was a very important question, and he, as representing a minority county (Berkshire), wished to explain why he intended to vote for the Previous Question. He thought the question was one which should not be decided by the House at present. In all matters, when a principle was once laid down, it should be adhered to. Whether this were a good or a bad Bill, he held it to be of vast importance that when an enactment was once passed by Parliament, it should be allowed the dignity of a law, and should not be tampered with and tinkered and altered within three years of its adoption. The Prime Minister was, no doubt, a great statesman; but he would be thought a still greater one if he would engage in a less number of things and do more. The right hon. Gentleman encouraged Members who sat behind him to meddle with and alter the Reform Act, which had been agreed to after full deliberation by Parliament, and he did that after stating last year that it was not wise to disturb the question. Not only had he done that, but he proposed this Session to bring in a new Reform Bill, embracing the Ballot and many other questions — a measure which, in the opinion of many, would alter the representation of this country, even more than the Reform Act itself had done. Having given representation to so many thousands by the Reform Act, it was no small matter, upon the simple Motion of a private Member, to take away from those people the representation which they now had. For these reasons, he should vote for the Previous Question.

Question put.

The House *divided*:—Ayes 181; Noes 181.

And the numbers being equal, Mr. Speaker stated that the House having given leave to introduce this Bill, and being now divided in opinion as to the expediency of putting the Question for the Second Reading, it was impossible for him by his single vote to withhold from the House another opportunity of expressing its judgment. But by giving his voice with the Ayes, he should afford an immediate occasion for the House to reconsider its Vote, upon the Main Question. He therefore declared himself with the Ayes.

Main Question put:—The House *divided*:—Ayes 175; Noes 183: Majority 8.

AYES.

Adair, H. E.
Adam, W. P.
Allen, W. S.
Amcotts, Colonel W. C.
Anderson, G.
Anstruther, Sir R.
Armitstead, G.
Ayrton, rt. hon. A. S.
Bailey, Sir J. R.
Baines, E.
Bass, A.
Bass, M. T.
Baxter, W. E.
Bazley, Sir T.
Beaumont, Captain F.
Beaumont, S. A.
Bowring, E. A.
Brand, right hon. H.

Brand, H. R.
Brewer, Dr.
Bright, J. (Manchester)
Bristowe, S. B.
Brogden, A.
Brown, A. H.
Browne, G. E.
Bruce, Lord C.
Bruce, right hon. H. A.
Cameron, D.
Campbell, H.
Candlish, J.
Carnegie, hon. C.
Carter, Mr. Alderman
Castlerosse, Viscount
Chadwick, D.
Chambers, M.
Cholmeley, Sir M.
Cowen, J.
Craufurd, E. H. J.
Crawford, R. W.
Croft, Sir H. G. D.
Dalglish, R.
Davie, Sir H. R. F.
Davison, J. R.
Delahunty, J.
Dent, J. D.
Dillwyn, L. L.
Dixon, G.
Dowse, R.
Dundas, F.
Dyott, Colonel R.
Egerton, Capt. hon. F.
Enfield, Viscount
Erskine, Admiral J. E.
Ewing, H. E. C.
Fletcher, I.
Forster, C.
Forster, rt. hon. W. E.
Gilpin, C.
Gladstone, W. H.
Glyn, hon. G. G.
Goldsmid, Sir F. H.
Gore, J. R. O.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Graham, W.
Grieve, J. J.
Grove, T. F.
Guest, M. J.
Hadfield, G.
Harris, J. D.
Haviland-Burke, E.
Hay, Lord J.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, rt. hon. J. W.
Henley, Lord
Heron, D. C.
Hervey, Lord A. H. C.
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.
Holms, J.
Hoskyns, C. Wren-
Hutt, right hon. Sir W.
Johnston, A.
Kay-Shuttleworth, U. J.
King, hon. P. J. L.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Lambert, N. G.
Lancaster, J.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Leatham, E. A.
Lefevre, G. J. S.
Lewis, J. D.
Lewis, J. H.
Lloyd, Sir T. D.
Locke, J.
Lush, Dr.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
Macfie, R. A.
Mackintosh, E. W.
M'Lagan, P.
M'Laren, D.
Magniac, C.
Martin, P. W.
Melly, G.
Miller, J.
Monk, C. J.
Morgan, G. O.
Morley, S.
Mundella, A. J.
Muntz, P. H.
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
Otway, A. J.
Palmer, J. H.
Pease, J. W.
Peel, A. W.
Philips, R. N.
Platt, J.
Potter, E.
Potter, T. B.
Price, W. E.
Rebow, J. G.
Reed, C.
Richard, H.
Richards, E. M.
Robertson, D.
Rylands, P.
St. Aubyn, J.
Salomons, Sir D.
Samuda, J. D'A.
Sartoris, E. J.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Shaw, R.
Sheridan, H. B.
Sherriff, A. C.
Simon, Mr. Serjeant
Smith, E.
Smith, J. B.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stepney, Colonel
Stevenson, J. C.
Strutt, hon. H.
Sykes, Colonel W. H.
Talbot, C. R. M.
Taylor, P. A.
Tite, Sir W.
Trelawny, Sir J. S.
Trevelyan, G. O.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Waters, G.
West, H. W.
White, J.
Whitwell, J.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Woods, H.
Young, A. W.

TELLERS.
Hardcastle, J. A.
Harcourt, W. G. G. V. V.

## NOES.

Allen, Major
Amphlett, R. P.
Arkwright, A. P.
Aytoun, R. S.
Baker, R. B. W.
Baring, T.
Barnett, H.
Barrow, W. H.
Barttelot, Colonel
Bathurst, A. A.
Beach, Sir M. Hicks-
Beach, W. W. B.
Bentinck, G. C.
Biddulph, M.
Birley, H.
Bonham-Carter, J.
Bourke, hon. R.
Bouverie, rt. hon. E. P.
Brassey, H. A.
Brassey, T.
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W.
Brooks, W. C.
Bruen, H.
Bury, Viscount
Buxton, C.
Cartwright, F.
Cave, right hon. S.
Cavendish, Lord G.
Cawley, C. E.
Charley, W. T.
Clive, Col. hon. G. W.
Clowes, S. W.
Cochrane, A. D. W. R. B.
Colebrooke, Sir T. E.
Corrance, F. S.
Cowper, hon. H. F.
Crichton, Viscount
Cross, R. A.
Cubitt, G.
Dalrymple, C.
Davenport, W. B.
Dawson, R. P.
Dickinson, S. S.
Dilke, Sir C. W.
Dimsdale, R.
Disraeli, right hon. B.
Dodson, J. G.
Dowdeswell, W. E.
Dyke, W. H.
Eastwick, E. B.
Egerton, hon. A. F.
Egerton, hon. W.
Ellice, E.
Elliot, G.
Ewing, A. O.
Fawcett, H.
Fielden, J.
Figgins, J.
Fitzmaurice, Lord E.
Floyer, J.
Foljambe, F. J. S.
Fortescue, hon. D. F.
Foster, W. H.
Fowler, R. N.
French, rt. hon. Col.
Gallwey, Sir W. P.
Goldney, G.
Graves, S. R.
Gray, Lieut.-Colonel
Greaves, E.
Gregory, G. B.
Grey, rt. hon. Sir G.
Grosvenor, Capt. R. W.
Guest, A. E.
Gurney, right hon. R.
Hamilton, J. G. C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, Marquess of
Hardy, J. S.
Hay, Sir J. C. D.
Herbert, rt. hon. Gen. Sir P.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hope, A. J. B. B.
Hornby, E. K.
Hunt, right hon. G. W.
Ingram, H. F. M.
James, H.
Jenkinson, Sir G. S.
Johnston, W.
Jones, J.
Kavanagh, A. MacM.
Kekewich, S. T.
Kennaway, J. H.
Knight, F. W.
Knightley, Sir R.
Lacon, Sir E. H. K.
Langton, W. G.
Lennox, Lord G. G.
Liddell, hon. H. G.
Lindsay, hon. Colonel C.
Lindsay, Colonel R. L.
Lopes, Sir M.
Lowther, W.
Maitland, Sir A. C. R. G.
Manners, rt. hn. Lord J.
Marling, S. S.
Matthews, H.

Mellor, T. W.
Meyrick, T.
Mills, C. H.
Mitford, W. T.
Montagu, rt. hn. Lord R.
Morgan, C. O.
Mowbray, rt. hon. J. R.
Newdegate, C. N.
Newport, Viscount
Noel, hon. G. J.
Northcote, rt. hon. Sir S. H.
Pakington, rt. hn. Sir J.
Parker, C. S.
Parker, Lt.-Col. W.
Patten, rt. hon. Col. W.
Pell, A.
Phipps, C. P.
Pim, J.
Plunket, hon. D. R.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Price, W. P.
Raikes, H. C.
Rathbone, W.
Ridley, M. W.
Round, J.
Russell, A.
Russell, H.
Sackville, S. G. S.
Salt, T.
Samuelson, B.
Samuelson, H. B.
Sandon, Viscount
Scott, Lord H. J. M. D.
Scourfield, J. H.
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, A.
Smith, F. C.
Smith, W. H.
Stapleton, J.
Starkie, J. P. C.
Stronge, Sir J. M.
Talbot, J. G.
Talbot, hon. R. A. J.
Tipping, W.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Verner, E. W.
Verner, W.
Walker, Major G. G.
Walpole, hon. F.
Walter, J.
Waterhouse, S.
Wedderburn, Sir D.
Welby, W. E.
Wheelhouse, W. S. J.
Whitbread, S.
Wilmot, H.
Winterbotham, H. S. P.
Wise, H. C.
Winn, R.
Wynn, C. W. W.

TELLERS.
Collins, T.
Morrison, W.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

# HOUSE OF LORDS,

*Thursday*, 16*th June*, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Wages Attachment Abolition * (141).
*Second Reading*—Irish Land (122), *debate resumed and again adjourned.*
*Committee* — Union of Benefices Amendment (1870) * (118-140).

## IRISH LAND BILL—(No. 122.)

(*The Earl Granville.*)

SECOND READING.

ADJOURNED DEBATE. [SECOND NIGHT.]

Order of the Day for resuming the Adjourned Debate on the Amendment to the Motion for the Second Reading [which Amendment was, That the Bill be read a second time this day six months (*The Lord Oranmore and Browne*)], read: Debate resumed accordingly.

**LORD CAIRNS**: My Lords, although by the favour of your Lordships I am permitted to follow the speech of the noble Viscount (Viscount Monck) who spoke last in the debate on Tuesday, I can assure your Lordships that I have no intention of following him into those historical researches which at considerable length he laid before the House. The opinions, if we could discover them, of Spenser, of Arthur Young, and of Sir William Petty may be matters of antiquarian curiosity; but the task which we have to discharge is to judge of the condition of Ireland at the present day, and on that question I doubt whether any of those earlier opinions would throw much light. If I depart from that course for a moment, and turn aside to make an observation upon one or two matters of past history, which were touched upon by the noble Earl the Secretary of State for the Colonies at the beginning of the debate, it will be merely because I think any misconception or inaccuracy as to those facts may seriously prejudice us in coming to a conclusion on the subject. The noble Earl told us that one of the reasons for comprehensive legislation on the question of landlord and tenant in Ireland was, that the laws of Ireland and those of England on that point diverged very widely, both in spirit and in letter. Now, if this were the fact—and I do not stop to inquire whether it be the fact or not, although I think that what has been said upon the subject is much exaggerated—but, if it were the fact, it appears to me that it, at all events, could not afford a justification for the very special legislation upon which we are engaged. If it be the case that the tenant in Ireland is in a position inferior to that of the tenant in England, that may be a very good reason for bringing up the Irish tenant to the position of the English tenant; but it clearly cannot be a reason for putting the Irish tenant in a position which no English tenant ever dreamed of being in, or ever expected to be in. My Lords, I add one qualification only to that observation. I could, indeed, understand such a course and such an argument if you had it in view at some future time to repeat the process in the converse direction, and because you have raised the Irish tenant immeasurably above the English tenant you are to perform the same good office for the English tenant in turn, and place him at the elevation to which you have previously raised the cultivator of the soil in Ireland. The noble Earl made another observation which, if not corrected, might seriously affect the estimation in which I am sure we all desire to see the administration of the law held. The noble Earl said that in England the tendency and the habit of the Judges had been to lean, wherever it was possible, to the side of the tenant, and that customs of a mild kind had sprung up in England under that system of jurisdiction; that, on the other hand, he supposed, at all events, that the Judges in Ireland had taken a stern and unbending view, opposed to the interests of the tenant, and that Judge-made law in this country had thus become more favourable to the tenant than was the case in Ireland. It would, my Lords, be an unfortunate thing if an idea of that kind were to prevail in Ireland. I know that it has been stated before, and stated on authority so high that I am not surprised at the noble Earl taking the statement on trust and repeating it to your Lordships; but I hope the noble Earl will allow me to assure him, and I think I shall satisfy him in a few words that not only is the statement inaccurate, but it is the very reverse of accurate. With regard to the customs of England, they have at all times possessed every proper incident of a legal custom, and when they have come before the Judges, the Judges have had no choice but to give them legal effect. But with respect to what are called customs in Ireland, they never had at any time—they have not at this day, after the lapse of centuries—any one incident of a legal custom; and that they are not established by law in Ireland is owing not to the fact that they were presented to the Courts and decided against by the Judges, but to the fact that everyone was so convinced that they possessed none of the legal incidents of a custom that on no occasion has any one of them been presented to the Courts for decision. Nor does the case end there; because as a matter of history, which is most interesting as bearing directly on the view taken by the noble Earl, at the close of the last century the most frequent tenure which had sprung up in Ireland, and spread over the whole country, was the tenancy for lives, with a covenant for renewal. Owing to the want, on the part of the tenants, either of money or of habits of business, those leases had from time to time been omitted to be renewed as the lives fell in; and, according to all the principles of the English law, the right of renewal had become forfeited, and the landlord was in a position by that law to take possession of the property, disregarding the rights of the tenant. So common was this that the Judges of Ireland were struck by the hardship it was occasioning, and there sprung up in that country, and continued for a few years, a course adopted by the Judges—and adopted in direct violation of the law of England — of giving relief to tenants who had failed to renew their leases, and who were at the mercy of their landlords. And what happened? One of those cases in which relief had thus been given was brought over to your Lordships' House; and on whose advice did your Lordships act in the decision you arrived at? On the advice of Lord Mansfield, a man who, of all others, established his fame by having tempered the rigid principles of common law by an admixture of the mildest and most benignant principles of equity. To Lord Mansfield's lot it fell to express an opinion, in the first instance, on the course taken by the Irish Judges. I shall read one sentence from the opinion of Lord Mansfield. Speaking of the Irish Judges, who are supposed by the noble Earl to have leaned against the tenant, Lord Mansfield said—

> "These sort of cases are not such as deserve support in a Court of Equity. They should be discountenanced as much as possible. They are extremely pernicious and oppressive, and a subject of general complaint to the gentlemen of Ireland, and I am astonished at the indulgence said to be shown in those cases in the Courts of Ireland."

That was the opinion of Lord Mansfield, on which your Lordships' House acted, reversing the decision which had been pronounced, and Lord Thurlow followed the same line. The consequence was, that a state of terror at the loss of the property of the tenants prevailed in Ireland. Is that an instance in which the Judges in Ireland had borne hardly against the tenant? What happened?—because the matter did not end here. So pressing was the danger in that country that the Irish Parliament—largely, if not altogether, representing the interests of the landlords in Ireland—did what? Did they adhere to the opinion of Lord Mansfield and the English lawyers? Not at all. In 1780 an Act was passed called the Tenantry Act—and I must remind the noble Earl of this, if he is under the impression that every statute relating to landlord and tenant in the reign of George III. was made stricter and stricter against the tenant —I would read this sentence from the Preamble of the Act passed in 1780 by a Parliament of Irish landlords—

> "Whereas tenants, and those deriving under them, have frequently neglected to pay or tender the fines within the times prescribed by such covenants . . . and whereas it has been for a long time a received opinion in this kingdom (of Ireland), to which some decisions in Courts of Equity and declarations of Judges have given countenance, that Courts of Equity would in such cases relieve," &c.

Then the Act goes on to speak of the terror that was inspired by the decision of your Lordships' House, and the Irish Parliament reversed practically that decision, and declared that for the future relief should be given to tenants under these circumstances. I trust, therefore, that we shall hear no more of the Judge-made law that sprung up in Ireland and ground down the tenant.

My Lords, I now come to the Bill before us, and I shall endeavour, as slightly as possible, to deal with matters of detail—although, in regard to a Bill of this kind abounding in detail, it is scarcely possible sometimes to avoid touching on matters of detail, if you wish to get at a comprehensive view of the measure. I will deal first with the clauses that cause but little controversy, and which, rightly or wrongly, are called Mr. Bright's Clauses. I wish to say at once that, in my opinion, there is no objection to them in point of principle. If there be an objection to them it is one not of principle, but of policy and expediency. And, my Lords, entertaining that opinion, I am the more bound to declare it, because, if it be true that the parentage of those clauses is such as I have suggested, some countenance might have arisen in the minds of some persons to the idea that clauses of that sort might, perhaps, have been more sweeping in their operation than sound principles would warrant. My Lords, allusion was made the other evening to their effect on the encumbrancers, who, it was suggested, would be endangered by those clauses. I am bound to say that, having looked at them with great care, and without pledging myself to every word in them, that I think the interests of the encumbrancers are abundantly protected. But now, as to the policy of these clauses—I say, again, if you are able not only to make, but—what is much more difficult—to retain a body of middle-class occupiers of land in Ireland, who will also be owners and cultivators of the soil, I am persuaded that you will have done a good work. But I am sorry to add that the opinions of those most conversant with that country, to which it is impossible not to give great weight, are almost unvarying that the much greater probability is that the general rule will show you that when one of the occupiers of the land becomes an owner there will be subletting, there will be the transfer of the owner into the coveted position of the landlord; he will occupy perhaps a small part of the holding, but will be a landlord over others for the remainder. But time only can solve that question. We may speculate upon it now as we please. But there are two observations which I have to make on these clauses which, I think, ought to be made now, and on which we are now in a position to judge. The first of those observations is this—Has it occurred to your Lordships to consider, supposing one of these Irish tenants buys his holding, what is to be the condition of the property during the 35 years that must elapse before the purchase-money is fully paid off? Remember, during those 35 years the Government will be the mortgagee of this property. What are the provisions of the Bill on this subject? Permit me to read one very short clause which suggests some most extraordinary reflections. I refer to the 40th clause, relating to purchasers to whom advances have been made. The last paragraph of the clause says—

> "Any holding charged by order of the Landed Estates Court in manner aforesaid shall not, without the consent of the Board, be alienated, assigned, subdivided, or sublet during such time (35 years) as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention of this section shall be forfeited to the Board, to be held by them for public purposes."

My Lords, for a third of a century the management of these properties is to be imposed on the Government. Now, let me suppose that these clauses are effective, that in the various counties of Ireland you will have tenants buying, it may be, very small holdings—for there is no minimum of limit—you will have this period of 35 years running on: and what is the duty which the Government will have to perform during the time? Those of your Lordships who are acquainted with the position of things in Ireland know what a task it is to prevent subletting or assignment. You know, or your agents would tell you, that it is one of the most difficult operations they have to perform. You will have every possible scheme and device resorted to in order to produce the reality without the appearance of subletting. Now, how is the Board of Works in Dublin to cope with such proceedings of their tenants in every part of the country—proceedings with which local agents would have the greatest difficulty in grappling? And look at the consequences. If subletting be adopted to any great extent, you will have got into a most formidable danger; you will have to consider what you must do with those who have offended, and if you enforce the law you will expose yourselves to all the odium which falls on those who resort to evictions. It is not only the difficulty of the task—but look at the facilities for subletting. Who are the Board of Works? The Board of Works are the Treasury. I say it for this reason, that by the 49th clause the Board of Works are to obey "the orders of the Treasury from time to time;" not merely their general orders, but their orders in each particular case. Therefore, the Board of Works are the mere hands and agents of the Treasury, and the Treasury become the managers of these holdings throughout Ireland. Suppose a case to happen. Suppose one of these holdings is misused in the way pointed out in the Bill. But, in the first place, I would ask, is it possible that any property can be in a wholesome state that is for 35 years inalienable? It is contrary to the first principles of political economy that it should. Well, suppose a tenant dies and has a dozen sons on the farm. Will not that be alienation, and will you treat it as a forfeiture? Suppose the purchase-money is not paid, and you proceed to enforce your forfeiture. My Lords, in that case I do not envy the position of the Treasury. I think I can foresee the first time they proceed to forfeiture, the pressure that will be brought to bear on them in Parliament and out of Parliament, and I know not which is the more dangerous. I venture to prophesy, with some confidence, that one of two things will happen, either the whole of these provisions will break down, and you will be obliged to say you cannot enforce their observance, or if you do there will be an outcry in the country, and the Government will assume a position more odious than that of the most disliked Irish landlord. That is one of the objections I have to these clauses; another is this—The greater number of the clauses proceed on the assumption that the landlord agrees to sell and the tenant to purchase. I think there can be no objection whatever to those; but there is one clause which seems to have crept in, under the operation of which something very objectionable may be done—namely, the clause which enables tenants armed with the public money to go into the Landed Estates Court and become bidders for the lands of which they are in possession. If the tenants are able out of their own resources to become bidders, I have not the slightest objection to offer; but what I object to is that tenants should be armed with the money of the State to conduct operations in the Landed Estates Court, which must have the effect of paralyzing all the biddings of the outside public. Do you suppose that if the outside public were to know that the tenants were going with two-thirds of the public money to bid for their holdings they would run the risk—for risk it would be—of outbidding the tenants, and become the owners of an estate the tenants of which would feel that they were defeated competitors? A story was told me, for the accuracy of which I will not vouch, though I have no reason to disbelieve it, which will illustrate what I say. There was an estate sold in the Landed Estates Court within the last few weeks; a tenant was bidding, and the estate went up to 14 years' purchase, upon which the tenant said, in the auction room of the Court—"Fourteen years' purchase! Is it possible that anybody will bid more for this estate when he knows that I am the tenant." I began by saying that, though I have no reason to question the accuracy of the statement, I cannot vouch for it; but if it is inaccurate, which I believe it is not, it might very well happen under this Bill.

If your Lordships will permit me I will take next two provisions of the measure which seem to me rather excrescences on its general principles than to be part of them or warranted by them. One of these excrescences is the provision with regard to distress. My Lords, with regard to the Law of Distress, and the Law of Hypothec in Scotland, I always believed that those provisions of the law were for the benefit of the small tenants, and I think that opinion of mine is justified by the fact that the great agitators in Scotland against the Law of Hypothec are large tenants, who know very well that if the law were altered the small tenants would no longer be able to compete with them; because, in the absence of that law, terms would have to be imposed which the small tenants would not be able to accept. It is just the same with regard to the Law of Distress in Ireland: so far from its being a hardship to the small tenants it is a benefit to them, and if you do away with that law the landlord will have to impose other and private arrangements which the tenant will find still more hard to bear. The Devon Commission, which was favourable to the tenant, if I remember rightly, reported strongly for maintaining the Law of Distress. There are some persons, no doubt — outside creditors—who profess to be injured by the Law of Distress; they say that it gives the landlord a kind of charge on the property of the tenant, and in dealing with the tenant they suffer because they come after the landlord has made good his claim. But this Bill seems to me to produce all the evils of the Law of Distress without any benefit whatever; because what it does is not to abolish the Law of Distress, but to allow a private arrangement creating a right of the landlord to distrain under certain circumstances, thus prejudicing in a serious way the outside creditors, who will be kept in ignorance to the last, while it gives no benefit to the tenant. The other matter, which I think an excrescence on the general principles of the Bill, and which I hope your Lordships will not think it inconsistent with those principles to modify, is the mode in which notice to quit is dealt with. I could perfectly well understand that if you were giving no other protection to the tenant, except the enlargement of the period of notice to quit, it might be a form, though not a good one, of giving that protection. But in the earlier part of the Bill you give the tenant protection for improvements, protection for occupancy, and protection for any customary rights he possesses. The Government tells us, and I believe correctly, that to be a perfect and complete protection to the tenant, and with it I dare say he will no longer be subject to any of those evils to which he has been said hitherto to be liable. But if that be so, what possible reason can you give for establishing a difference in the law of the two countries—for making the notice to quit run for 12 months in Ireland, while it runs for only six months in England? I see no advantage, but the greatest possible disadvantage in that, because in the only cases in which you say there ought to be eviction—namely, for improper management or improper conduct—you are going to give the tenant an opportunity for twelve months of cruelly injuring the farm he is about to leave; whereas, I believe, every noble Lord who has any experience of Ireland will bear me out when I say that six months would be abundantly sufficient for that operation.

My Lords, I come now to what I may term the forensic part of the Bill—I mean the Courts and Judges who are to exercise the powers which the measure proposes to give. And here I wish to say that, so far as I can form an opinion, I think the Government were right in adopting the Civil Bill Judges, or Assistant Barristers in the counties of Ireland, as the primary Judges in these matters; I am perfectly alive to the inconvenience that might result from having 33 Judges proceeding, it might be, many of them, upon principles somewhat confused. I speak of the Assistant Barristers with great respect, yet I should be glad to have Judges of higher judicial standing and perhaps with more special training for subjects of this kind. But I believe, without creating a judicial staff which would be wholly unjustified by any amount of litigation I hope which will arise, this could not be done. I think, therefore, the Government were justified in the course they have proposed. Here, again, my Lords, having made that admission, I want to point out three serious objections to the arrangements in the Bill with regard to the Judges, and with regard to the settlement of disputes which may arise between landlords and their tenants. Now, it can hardly be intended—indeed, I am told that the Prime Minister has said it is not intended—but it is certainly the effect of the Bill at the present moment, that after a tenant has made a claim against his landlord, and the landlord has made his counter claim, they cannot settle the matter between themselves, even if willing to do so, but must take it into Court—the matter cannot be settled in any other way except by the Court. What makes me think that this was not intended is this—Where the Bill deals with limited owners it allows the tenant for life to settle any disputed matter in any manner he pleases; but when you come to the absolute owner, he is not to be permitted to settle the matter without going into Court. Now the next objection I have is this—and here I may say I cannot imagine that the effect of the Bill can have been foreseen by the Government. The constitution of the Civil Bills Courts in Ireland is such that if a Judge or Assistant Barrister chooses he may have any question of fact decided by a jury. But the jury of the Civil Bill Courts is a jury of a singular kind—it is called "a jury of by-standers," consisting of as few as 3 or as many as 12. Now, I imagine that when some of these trials are being held, with a view to determine the custom of some of the estates in Ireland, the "by-standers" would probably consist of tenants of the estate, and it occurs to me that to empanel three of these persons to try a question of fact as to the custom of the estate would be a process anything but satisfactory. My next objection is this—You are certainly imposing on these Civil Bill Judges a duty such as I believe was never imposed upon a Judge before. Let me read to you what is called the Equities Clause of the Bill—

> "On the hearing of any dispute between landlord and tenant under this Act, either party may make any claim, urge any objection to the claim of the other, or plead any set-off such party may think fit (including in the case of a landlord any moneys paid on account of the purchase of the right of the tenant under the Ulster tenant-right custom or such usage as aforesaid), and the Court shall take into consideration any such claim, objection, or set-off, also any such default or unreasonable conduct of either party as may appear to the Court to affect any matter in dispute between the parties, and shall admit, reduce, or disallow altogether any such claim, objection, or set-off made or pleaded on behalf of either party as the Court thinks just, giving judgment on the case with regard to all its circumstances, including such consideration of conduct as aforesaid, and the Court shall have jurisdiction at the hearing of any such dispute to ascertain what sums, if any, shall be deemed due by the tenant to the landlord under sections three, four, and six of this Act, or any set-off in respect of unliquidated or liquidated damages under said sections, or any of them; and in any case in which compensation shall be claimed under section three of this Act, if it shall appear to the Court that the landlord has been and is willing to permit the tenant to continue in the occupation of his holding upon just and reasonable terms, and that such terms have been and are unreasonably refused by the tenant, the claim of the tenant to such compensation shall be disallowed."

Certainly, I repeat, there never has been such a task before imposed upon any set of Judges. I only hope that they will be able to discharge it. When it was proposed "elsewhere," as I understand, to define the duties of the Judges—to give them some directions as to the principles on which they are to proceed—it was said—"If you attempt to define them, you will only narrow their jurisdiction. The difficulty of defining is so great, it is better to leave them to deal with matters as they arise in the best way they can." I am willing to accept that as the best solution of this clause; but it appears to me to involve a consequence not fully apprehended. If you impose upon the Judges the task of considering all the questions in this manner, I contend it is absolutely necessary that you should learn from the Judge on the face of his award or judgment—I will not say the principles upon which he has proceeded, but the various items of claims on one side and upon the other of which he has taken cognizance. Because you must remember you are ordering the Judge to take a debtor and creditor account—for that is really what it comes to; and if the Judge is allowed, as he may do under this Bill, to lump the matter and give you a certain sum as the result of his judgment, you will never know what questions have been considered by the Judge, and—what is still more serious—when the question comes before the appellate tribunal for review, there will be no point of contact between the Judge of the Appellate Court and the Judge of the Court below. Their minds will be running in parallel lines, never approaching each other.

But I will leave this question, and come now to what I may term the three cardinal principles of the Bill, which I will endeavour to deal with as briefly as possible. These are the customs of Ulster and similar customs; the compensation for improvements; and the payment for disturbance in occupancy. With regard to the customary right of Ulster, I am certainly not going to trouble your Lordships with any opinion of mine, or with any argument upon its merits or demerits. I do not, however, by any means agree in the view that the custom of Ulster is the source of the prosperity of Ulster. I believe it would be more correct to say that the prosperity of Ulster was the source of the custom. I believe that the custom will be found to have sprung from the greater abundance of money in that Province and from the laxity of the agents, who found it extremely convenient to have a species of reservoir of money which they could come upon when the tenant went to the wall. The incoming tenant had money to pay, and thus the landlord's claims were satisfied. But as the custom exists it is quite right to legalize it. But here again, my Lords, let me point out how the Bill may cause serious injustice. It was not in the Bill originally, but there has come into the Bill a provision by which a man holding a farm under the custom of Ulster may throw overboard and abandon the custom of the Province, and may claim compensation under the other provisions of the Bill with the leave of the Court. Now, at first sight that appears to be a very strong provision; because if the custom of Ulster prevails upon that holding it is part of the contract upon which the farm is taken, and which regulates the relation between the landlord and the tenant. The landlord is bound by this custom, and it is only one-sided legislation to say that while the landlord must be bound by it the tenant may abandon it and adopt a different provision in order to obtain compensation. But I go further. Wherever the custom of Ulster prevails under this Bill there is no compensation for improvements, because the sum paid under the custom is supposed to cover everything. That is quite right. If a farm is under the custom of Ulster the landlord need not trouble to keep any account of the improvements, showing which were made by himself and which by the tenant, because he knows that the sum he will have to pay will be paid irrespective of improvements, and will cover everything; but if a claim is to be made under other parts of the Bill it will be the landlord's duty to watch vigilantly every improvement, so as to be prepared to meet any claim that may be made upon him—for under this Bill he is to be left in perfect ignorance, until the time comes, under what portion of the Bill it is that the claim will be made, and then perhaps he will find that he has kept no account. It is rather hard to enact that a landlord shall never know precisely what the relations between himself and his tenant are—they are to be at the option of the tenant himself. Now, this is what I dare say many of your Lordships know to be a common case. There are what are called the conditions or "rules of the estate." These rules are printed and hung up in the office. Everybody knows what they are, and every tenant has a copy—he knows that these rules are the conditions upon which his farm is let, the same as if they were contained in a lease and signed by himself. Now, by this Bill you bind the landlord to those rules, but you allow the tenant to tear the whole thing to pieces, to fling it away and to say—"I claim under an entirely different principle." Now, this is a matter that ought not to be allowed to remain as it is. What I think ought to be done is this—that the tenant should not have leave to throw aside his first obligation under the custom of Ulster, unless the Court is satisfied that his doing so will involve no injustice or breach of contract towards the landlord. If that is done it will be rather a rough sort of thing, but no great harm will occur. I now come to the compensation for improvements; but I shall detain your Lordships but a very short time on that point, because there is scarcely anything to be said on the subject. The question is one that has been much discussed of late years. It has been a question of great doubt and much argument; but I can speak with perfect frankness upon it, because I recollect, when I was a very young Member of the House of Commons—in 1853—and again in 1855, when Tenants Compensation Bills were brought before the House, I put upon the Notice Paper a clause for the purpose of giving retrospective compensation to tenants. Perhaps I am unduly prejudiced in favour of my own offspring; but I must say that I think it was a better clause than I have seen since, and I wish sincerely that that clause, or something like it, had been adopted at that time, for then we should have had done long before this time with the question of retrospective improvements. It has always seemed to me a very much less dangerous thing to compensate a tenant for improvements which he could not have made in times past, except at the peril of losing them, than it might turn out to be to compensate him for improvements in the future, which he might be tempted to make somewhat recklessly when he was sure of compensation for them. I am very glad this question is now going to be settled, but I think we ought to be very careful about one view of the matter. We must keep the question of compensation for improvements entirely distinct from the question of payment for disturbance in occupation. I say this because I have observed—I do not say in your Lordships' House, but "elsewhere"—that scarcely anyone commences to speak upon the subject of the relations between landlords and tenants in Ireland and the necessity for this Bill, or other strong legislation, without immediately going off into the subject of the hardship alleged to have been suffered by tenants who have made improvements on their holdings and have not been compensated. That was the staple of the speech of the noble Earl (Earl Russell), who is not in his place now, but who spoke the other night on this question. The noble Earl gave us the history of case after case where tenants had made, or said they had made, improvements, and whose rents had been raised or who had been turned out of their holdings without compensation. A good many of these cases, I am bound to say, as having some acquaintance with Ireland, were utterly incredible; but if they had all been perfectly accurate, I say, with all submission, that it was beating the air for the noble Earl to dwell upon them, for no one disputes that that is an evil which must be cured. Being agreed upon that, will your Lordships allow me to mention only two matters in this Bill with regard to compensation for improvements which appear to me to be open to exception? This is one point—Your Lordships will find that improvements made before the passing of this Act are to be dealt with in a manner extremely different from improvements to be made afterwards, and I cannot conjecture the reasons for the difference. This is what the Judge is to do according to Clause 4 of the Bill—

> "Where a tenant has made any improvements before the passing of this Act on a holding held by him under a tenancy existing at the time of the passing thereof, the Court in awarding compensation to such tenant in respect of such improvements shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held, and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made."

I think that is quite fair; for I cannot imagine any sound principle upon which, with regard to improvements, you ought not to take into account the length of time during which they have been enjoyed, and I think we must agree that there must be some length of enjoyment which must entirely obliterate any claim by the tenant in respect of his improvements, though we may differ as to what that length of time may be. Now, I want to know why this principle is not to be applied to the case of improvements made after the passing of the Act, and I have looked to the Bill for a reply in vain. My other objection, I am sorry to say, is much more serious, for I am coming to speak upon a clause in reference to improvements which is, I think, entirely foreign to the principles of the Bill, and which, if it were to become law, would, in my opinion, work rank and positive injustice—I allude to the 5th clause, which changes the law as to presumption. Let us remember that there is no use arguing how far tenants have made improvements and how far they have not, for we have in our possession some facts concerning them. We know that within a very moderate number of years past £2,000,000, borrowed from the State and repaid, has been expended upon the improvement of land in Ireland; and Dr. Longfield—than whom there is no one more capable of giving a trustworthy statement or opinion on the subject—has stated that almost all the arterial drainage, and a great part of the subsidiary drainage in Ireland has been done by the owners of land. We know further that at the time of the Devon Commission, when the operations of landlords were not so far advanced as they have since become, all the buildings upon 22 estates—and those some of the largest in the country—were erected at the expense of the landlords. And we know, also, that last year it was told of a great man, whose loss we so much lament, that the value of the fee simple of his Irish estates had, in the course of a limited number of years, been expended in the improvement of those estates. Now what are we asked to do in regard to this question of presumption? We are asked to declare that unless the landlord can prove that improvements on his estate have been made by himself, it shall be presumed that they have been made by the tenant. Was there ever in the course of legislation anything like this clause? So strongly was this felt "elsewhere" that a modification had to be made, but it was only to apply to the past; and what, after all, was it? It was proposed that this presumption was not to apply where there had been a sale of the property, and a conveyance from the vendor to the purchaser—the idea being, I suppose, that if there had been a sale the purchaser would not know much about what had been done by those who had been on the land before, and would have no means of informing himself. But take a case where there has been no sale, but where the property has descended from father to son—where improvements have been made by the landlord from time to time, and where the landlord has taken no account of those improvements—I do not mean that he has taken no account of what he has expended upon the estate, but no account of the particular improvements made in particular cases, and at particular times. In such a case the agent may have removed to another part of the country; there may be no bailiff alive who was alive when the improvements were made—and yet a tenant might come into court, and without offering a scrap of evidence on the subject, say to the Judge—"I am the tenant of this estate, and you are ordered to presume that every improvement made upon my farm has been made by myself. Here are the improvements, and now let the landlord show that I did not make them, and that he did." Yet that is the effect of the legislation proposed with regard to the past. Now let me pass on to consider what is proposed in regard to the future. My first objection in regard to that is, that in creating a presumption in law such as I have described you will be doing all that is in your power to make the reality tally with the presumption. I know it has been said that the tenant would be placed at a great disadvantage by the adoption of any other rule, because he would have difficulty in preserving evidence of the improvements that have been made, while the landlord has none. I maintain, my Lords, that the exact opposite of this is the case; the tenant has nearly the whole of the facilities, and the landlord has hardly any. The tenant has his own family, who are the living witnesses of what is done upon his farm, and he has his neighbours, who would be only too ready to testify in his favour: but in what position is the landlord? He may live miles away, and his agent may visit the estate not more than twice a year, so how can he bring forward evidence? He may be a new agent, who has only a general knowledge of the estate—or the agent may be dead. It is said that the landlord might keep books, but books would not be evidence in a Court; and therefore I say that it is the tenant and not the landlord who has the greatest facilities for keeping evidence as to improvements effected on an estate.

I have now, my Lords, said all I meant to say on the question of compensation for improvements; and I now come to the great principle of the Bill contained in the 3rd clause. Let me ask your Lordships' careful attention to this clause, which is about as serious a matter as ever was attempted by legislation. Whatever course your Lordships think it right to take, do, I implore your Lordships, at all events understand distinctly what the clause is. It may very possibly be that, after understanding it fully and clearly, you may think it right to give your assent to it; but, at all events, let us understand distinctly what it is, and what will be the effect of it. The effect of the operation of this clause may be described in a few words. It is this—It is a clause that gives to every man who comes into the occupation of land as a tenant—wholly irrespective of any improvements, wholly irrespective of the length of time he may be in occupation—the right to say that he is not to be removed from the occupation of that land, although the terms of his tenancy would justify his removal, unless he be paid a number of years' rent, which may vary from seven to five or four; and it is a clause that gives this as an absolute right to the tenant, which no contract is to defeat. Let me put to your Lordships a very short case; and, in doing so, I will not forget that although I speak of a number of years' rent, I use the term for shortness merely, and that it may be cut down by cross claims according to a later section of the Bill. Now, I am quite sure that noble Lords opposite have persuaded themselves — because they have said so—that this claim does not in any way infringe or trench on the rights of property. I place a tenant in possession of a farm last year, for which he pays me £20 a year rent. I find by experience that although I cannot say that he is a condemned malefactor—which would make it a flagrant shame to continue him in the farm—he is an unsuitable tenant, being without industry, and not having any knowledge of agriculture, the farm is going to ruin in his hands. Acting on my judgment, I give him notice to quit. The notice will expire in November next year. By that time he will have been two years in occupation. He has not made a single improvement on the farm; he has paid me during the time he has occupied it £40 rent, and he is to leave the farm, if I have no set-off against him, the possessor of £100 of my money. That will be the operation of the Bill as it stands. I know noble Lords opposite say this is not restricting my rights of property, because the law says you may turn the man out. Yes, it allows me to purchase him out. I ask this—Suppose the enactment said—You shall pay, not five, but 20 years' rent, the full value of the fee simple, would not that be an interference with the rights of property? But you say—"We do not disturb you in the possession of the property." You allow me the first option of purchasing my property; but you say I shall only have to pay the first quarter of the price. I own it appears to me beyond the power of imagination to conceive how any persons, however much they may approve this clause, can deceive themselves for a moment with the idea that it is not an interference with the rights of property. Now, my Lords, there has been a good deal of literature on the Irish land question, and one of the most intelligent works that have appeared on the subject has been written by Mr. Campbell, who has brought his knowledge of the settlement of land claims in India to bear on this question. Mr. Campbell's book has received great praise from the Prime Minister; it proposes something like the principles of settlement which was adopted with the ryots in India, who had rights connected with the occupancy of the soil from which they were not to be disturbed without payment. I turn with pleasure to the frankness with which Mr. Campbell expresses himself on the subject of proposals of this kind. Allow me to read to your Lordships two passages from Mr. Campbell's work. He says—

> "I must begin by expressing my belief that no petty measure will in any degree satisfy the Irish. If they are offered anything short of large and substantial concessions, the expectations which have been excited will have led to more harm than good. I do not think that any mere improvement of the law of contract can possibly operate as a great concession—that has already been tried without success. . . . It may be that you may take from one and give to another in such a way as to benefit him to whom is given without really injuring him from whom is taken; just as a man who is oppressed by two coats may feel all the lighter and easier when he has been compelled to give one to him who has none; but from his point of view there is confiscation of property nevertheless. In this view it would only be possible to argue that a moderate measure of confiscation would eventually be beneficial to all parties."

Then, talking of the same subject, again he says—

> "It comes then to this, that there can be no settlement of the question without something which would be called confiscation on one side or other; unless, indeed, resort is had to a third plan, to which I, for one, should strongly object—the expenditure of British money. It is to this last plan that I especially object; and it is because the schemes put forward by the most distinguished of advanced Liberals, Mr. Bright and Mr. Mill, are in the main of this character, that I think something else must be devised."

I think that very practical and candid. I understand exactly what that means. It means you must do one of two things. You must either satisfy the Irish tenants by giving them a slice of the property of the landlords, or you must satisfy the landlords with English money. I object to giving English money; *ergo*, the alternative is inevitable—the landlord must pay. I have listened with great anxiety to hear by what arguments the principle of this clause would be supported; because I can assure your Lordships I have approached this clause with no prejudice whatever. I have been sincerely anxious to find any arguments by which it could be supported as a matter of principle, and not as a matter of mere rough expediency. But what do I find? The Secretary of State, the Lord Privy Seal, and the Chancellor of the Duchy of Lancaster, who spoke on Tuesday evening, adduced no arguments whatever in its favour. They entirely omitted to do so. The Secretary of State said it was intended to prevent capricious evictions. But what does capricious eviction mean? Suppose I have a farm in Ireland ill-cultivated and unproductive, but it would be extremely suitable as a grazing farm, and, in order to make it so, I propose to remove the tenant and consolidate it into a grazing farm by itself—would that be a capricious eviction? If I understand what capricious eviction means, it is an eviction out of mere caprice. I recollect—but many of your Lordships recollect, no doubt, better than I do—at the time of the debates on the Corn Law Repeal Bill, Sir Robert Peel, dealing with the case of Ireland, said it was no doubt a very hard thing for Ireland not being a manufacturing country; but, he said—"I wish really that landlords would make up their minds upon this point—Ireland does not produce very good corn; but it has infinite resources as a pasture country, and they ought to make up their minds, because it is the true principle of free trade, to use the land for the productions it is best suited for." He said they must make up their minds, and turn their land into pasture. Well, then, the landlords proceed on that principle; and will they be told that is capricious eviction? I do not think, therefore, that the discouragement of capricious eviction is a sufficient argument in favour of this clause. What was the other argument of the Secretary of State in its favour? I do not know whether it was meant as an argument or not, but he said the Lands Clauses Consolidation Act in England provided for the reimbursement of the tenant for the loss of his occupation. There is not the slightest foundation for that argument. The Lands Clauses Consolidation Act does nothing of the sort. Under it, if an undertaking like a railway wishes to take any land it must settle with the landlord, and then give a notice for a definite term to the tenants. If the railway company wait until the term of notice has run out, then it takes possession without paying the tenant a farthing of compensation; but if the railway being in a great hurry, desires to have the land immediately, it then, as according to all principles of justice it is bound, pays the tenants for their loss of occupation during the period their tenancy would continue by law. It does not follow, however, that because it is proper to compensate those who are disturbed in their rightful possession, that therefore it is proper to compensate a tenant for an unlawful occupation continuing beyond the rightful period. A noble Earl (Earl Russell) said the other night that the Bill, in his opinion, was so good that he would vote for it without listening to any Amendments or improvements. That was the strongest Parliamentary statement I ever heard fall from any public man in a deliberative Assembly. The noble Earl went on to state that it is not sufficient to compensate for improvements, for he said, there is a tacit understanding when a landlord lets his land that, when a tenant makes improvements, the landlord will not confiscate those improvements, but will allow the tenant to recoup himself by continued occupation; and he said that the mere payment of the value of the improvements was not enough. Well, if it were true that there is that tacit understanding, that circumstance does not afford a justification for this clause; for a glance will show that the clause is not intended to give compensation for the loss of an occupation which the tenant may have improved, but compensation for loss of an occupation of any kind, even where the tenant has made no improvements at all. Therefore, that argument falls to the ground. It has been said "elsewhere" that compensation must be given, because if these small tenants were turned out they would have no resource but America or the workhouse. My Lords, I dispute that assertion, and I say with respect to tenants who do not hold more than 20 acres they would thrive much better as labourers. They have a labour market in Ireland where wages are rising, and if that resource fails him a few shillings will transport him to the great labour market of America, which he can reach more freely than a labourer from Dorsetshire. But if it is so, why is not the same argument applied to the labourer? The labourers are as numerous and more helpless than the farmers, and I want to know on what principle you propose to compensate the farmer and refuse to compensate the labourer. With regard to the restriction on the freedom of contract the noble Earl says that the law of England interferes with many contracts. Undoubtedly there are certain contracts with which the law does interfere—wherever it is a question of life, or the loss of life, the law steps in and says you shall not give full effect to such contracts. But in other matters contracts are undoubtedly left free. The noble Earl (the Secretary for the Colonies) referred to the Truck Act, and said that he was an employer of labour, and that it would be convenient for him to supply some of his labourers with provisions; but he was prevented from doing so by the Truck Act. Now, that is not the case, the Truck Act does not interfere with contracts. What the Truck Act says is this—you may contract with your labourers for any amount of wages, high or low, but having made the contract you must pay the stipulated wages in money—not in that which is not money. The noble Earl, if he only pays his labourers in money, may set up a store in their neighbourhood, and the labourers may go there and purchase their provisions. The noble Earl also referred to the case of cabs. Now, with respect to them, I believe the noble Earl and anybody else in London would find it difficult to say what the law really is; but I was under the impression that, under recent legislation or by the rules which the Home Secretary has thought it desirable to establish, there now existed free trade in cabs, and that a cabdriver would be allowed to contract to convey a person for what sum he pleased. But I wish the noble Earl to observe the principle contained in his illustration. The principle on which the law has interfered with cabs is, that the trade was a monopoly, and in return it is required that no more than a certain fare should be charged. All this is—if it had fallen from any other than the noble Earl, I should have said—mere rubbish in support of the Bill.

My Lords, I have said nothing yet of the course I intend to take. So far as I am concerned, whatever course I may take there is one thing I will not be guilty of—I will not assert, what in my case would be the hypocritical assertion, that this clause is founded on a sound principle, and that it contains no interference with the rights of property—I believe that it does interfere with the rights of property. Yet I cannot venture to ask your Lordships to reject the Bill. I do not claim to speak on the part of the landlords of Ireland. I speak simply from what I have observed in public, and from what has fallen from them in their speeches both in the other House and here. I have heard what I think is greatly to their honour—language such as that held by the landlords of Ireland. They say—"We have strong objections to this clause; but at the same time we feel that it is not our custom to evict our tenants under the circumstances which, under the action of this Bill, would be treated as a breach of the law. Not only so, but when we are compelled, by arrangement of our property or otherwise, to evict a tenant, we are in the habit, as a matter of charity and kindness, to look to the condition of those persons in the world, and to aid them as far as it is in our power. We do not admit that what we have done under the promptings of kindness and forbearance should be converted into a rule of positive obligation; but if it is thought desirable for the proper adjustment of the relations of the country that this should be done, we are not unwilling that the experiment should be tried." I think this is a sound view on the part of the Irish landlords, and that it does them great credit. On principles of this kind—on concessions of this kind—I think this clause might be submitted to. It makes an exceptional case; it converts into positive precept that which was never before made a rule of law. They continue—"But while we are willing to admit the general effect and operation of this clause, we think it ought to be so guarded as that we shall not, by means of it, be excluded from the management of our own property." My Lords, there are some considerations which make me doubt whether, if this clause is passed into law, it will have a wholesome effect upon the tenants, and especially upon those whom you most wish to protect; because as soon as you draw a sharp line, defining a rule of conduct for landlords and tenants, the natural tendency of the landlord will be not to go beyond that line. He will say—"My duty is defined by Act of Parliament, even in those affairs which were previously matters of charity and kindness, and that absolves me; to that line of duty I will adhere; and I will go no further." I fear, also, it will have another effect—namely, that no mercy will be shown to tenants who are in arrear with their rent; for this Bill says that eviction for non-payment of rent is the only cause for which a landlord shall escape payment to the tenant of compensation for the loss of his occupancy. Again, the tendency of this Bill will be to raise rents throughout Ireland; for it is the concurrent testimony of all persons that, as a general rule, the land of Ireland is let under its value. Depend upon it, if you put this obligation on the landlords, they will secure themselves against the possibility of having to make an expenditure of this kind by taking the first opportunity to raise rents to the highest point. You will by this Bill give the tenants in Ireland an idea that they have a kind of charge connected with their tenancy, by their being entitled in certain contingencies to receive a sum of money varying from £50 to £250, and that idea will not be less permanent in their minds because the circumstances under which the money becomes payable are only contingent — they will consider themselves as much entitled to it as the tenants in Ulster do now. The consequence, I fear, will be that they will seek to discount that charge; they will part with their farms, and get from the in-comer a sum in respect of this charge that you have put upon the occupation; they will then go off to America or elsewhere, and when the time comes that the contingency does arise, and circumstances may lead to an eviction, the incomers will get nothing at all except the repayment of the money they have given to their predecessor, and which, in all probability they had borrowed from some banker in the neighbourhood. There is one other consequence of this measure which some may think good and some bad; but I believe the tendency of the measure will be the consolidation of farms. You seek to protect the small farmers who hate the very idea of consolidation; but you will find that the consolidation of those small farms will, under this Bill, go on at a much more rapid rate than it ever did before.

I wish now to point out some clear and distinct defects in these clauses of which your Lordships have an absolute right to call for amendment. I shall not now go into the scale of compensation; but I hope we shall have some explanation of that which Lord Aberdeen would have called a conundrum, by which the tenant is entitled to drop from one scale to a lower. If it means anything it means this — that tenants on a low rent shall have greater protection than tenants on a higher rent. But here we have a proposition that if a man sits at a rent of £51, which under the scale would entitle him to two years' compensation, or £102, he may drop down, by the mere force of his own imagination —for there is nothing real in the transaction—to a rent of £49 and then he can claim three years' compensation, or £147. This is one of the drollest things I ever saw in an Act of Parliament. Let me now say a word as to the 31 years' lease. The noble Earl (Earl Granville) seems to think it is a compensation for improvements. It is nothing of the kind — the tenant gets the whole value of his improvement in any case. But what it does is this—It was proposed in the other House that a landlord might offer to give a man a lease in lieu of compensation. To this it was rightly rejoined a mere lease may be for one year or three years—it might be nominal, and therefore a sham; therefore the real question was, what is a reasonable lease? It must be no mere illusion—it must be something solid and practical. Can anybody deny that a 21 years' lease is a full and substantial one? There is a provision in this Bill that the loss of occupancy caused by the non-payment of rent shall not be that disturbance which entitles a man to compensation. The noble Earl, in introducing this Bill, glanced at that measure with his usual lightness of style, and bounded off so quickly that I could hardly catch the words he used; but I find there is a provision in the Bill which says that eviction for the non-payment of rent is not to be disturbance unless the rent was exorbitant. The Government proposal, therefore, is that whenever a tenant fails to pay his rent, and chooses to enter into a controversy with his landlord as to whether his rent was or was not too high, he is to be at liberty to try to persuade a Court that he is an injured man, and the Court may order the landlord to pay so many years' rent to a man who cannot pay his rent—the landlord is to be made to pay compensation calculated on a rent he has not received—a proposition which is so droll that I can hardly speak of it with gravity. Allow me to read a few sentences on this point from a very good authority—Dr. Longfield—

> "It should ever be remembered that it is a dishonest act for a man to make a contract which he does not believe that he can fulfil. The man who has obtained possession of a farm by promising a rent which he cannot afford to pay has committed a dishonest act. He has done wrong to the landlord, from whom he has obtained possession of the land on false pretences; and he has done wrong to the competitors for the farm whom he has outbid; and he has no just claim to have a law made to reduce his rent and give him an advantage over his more honest competitors."

Only imagine what might be the case of such a tenant. He might go into Court and say—"My landlord is ejecting me for non-payment of my rent—but my rent is exorbitant; I cannot pay so much and live upon the farm; it is positive cruelty to exact a rent of this amount from me, for no one could pay so much and provide for his wife and family. I therefore implore you to judge, now that I am going to be evicted from my farm, to say that my rent was exorbitant, and compensate me for my loss in being deprived of a farm the rent of which is so exorbitant that no one could live upon it." Landlords have, I repeat, a right to ask Parliament not to deprive them of the management of their estates as to those purposes which are conducive to the general good of the country. There are two other points in this Bill to which I must allude—namely, the letting in con-acre and the subletting of farms for the purpose of labourers' houses. Subletting at con-acre without the consent of the landlord should deprive the tenant of his claim to the bonus given under this clause. With regard to labourers' cottages, if you wanted to introduce a provision to facilitate subletting of the worst kind, you could not have found a more effectual way of doing it than you have in this Bill. Under it, I defy any owner or agent of property to prevent subletting under this provision. You will always have a mud hut or hovel built on a farm, with a piece of land attached to it; the son will be a labourer on the holding, with a cottage and a piece of land; his wages will be the right to cultivate one or two fields, and you will have subletting with a vengeance. His family will increase in course of time, and they will have to be dealt with in some way or other. And supposing the man ceases to be a labourer, what will you do with him—how are you to turn him out? I repeat, that it is utterly impossible to have this provision in the Bill, and to prevent subletting—and I would ask, what is the necessity for it? Landlords in Ireland know their own interests as well as other men, and if proposals are made to them to build labourers' cottages of a proper kind they will do it, without any legislative compulsion. You may safely leave that duty to them. Let me also, for a single moment, remind you of the present position of the landlords in Ireland, with reference to the great bulk of their tenants—those, I mean, who have yearly holdings. Such a tenant is at perfect liberty to assign his tenancy to any person he pleases. It is a thing unknown—or at least of very rare occurrence—to introduce any stipulation for the prevention of assignment, because, at present, the landlord has the remedy in his own hands. If the assignment were made to an improper person, the landlord has merely to give him notice, and to get rid of him. I believe that that system works most beneficially in Ireland. I believe that there is nothing which has a more wholesome influence upon the relations between the landlords and tenants than the system of careful selection which exists on all well-managed estates, by which careful, industrious, intelligent, and honest men are chosen as tenants. But what will happen under the Bill? I will put a case. I let a farm, a few years ago, from year to year, to a man who seemed to me to be industrious and frugal, with a little capital, a fair knowledge of agriculture, and a good character. In the course, however, of four or five years, he takes it into his head to go to America; or he gets a farm that he likes better in another part of the country; and he assigns my farm to another person, against whom I cannot say there is anything that I could substantiate in open Court as criminal in any sense, yet I may know him to be a lazy man, not to be a good farmer, not to be of good habits, and though I cannot prove it, I may suspect him to be a Fenian. Yet I cannot disturb that man, although I never chose him as a tenant, and he is the last man that I should choose. I cannot remove him, unless I am prepared to pay him on this scale of compensation for disturbance. Is that fair? I say it is not. Nor is it even within the principle of the clause, which I assume to be a good one—namely, that the tenant is not to be capriciously or arbitrarily evicted. But suppose you have a man on your estate whom you have some good cause for evicting; after you have come to dispute with him, and you are about to go into Court with him, he might then assign his tenancy, and produce in Court an antagonist different from himself, with whom you would have to fight the case. Now, I say the mode of remedying this is quite simple. It is, to provide in this clause that wherever there has been an assignment of the tenancy, and the landlord has not accepted the new tenant, there should be no right to compensation under the clause—that is to say, no right to compensation for the loss of occupancy; not that there should be any forfeiture of improvements, or of payment for any work done on the land; but that there should be given none of this bonus which is intended for the regulation of the landlord's dealings with his own tenants, and not of those with tenants whom he never accepted.

My Lords, I have now endeavoured to lay before you, at much length, the views which I entertain in regard to this important measure, and also the Amendments in it which I think ought to be made. I say, with great sincerity, with a full persuasion of the truth of what I say, that I think there is not one of the Amendments that I have mentioned which is not in perfect harmony with the principles of this Bill, or, as to which, it could be fairly alleged that it is an Amendment which would get rid of or neutralize any of the cardinal principles of the measure. The noble Earl (the Lord Privy Seal) said that for the purpose of effecting the pacification of Ireland Parliament would not shrink from any sacrifice. My Lords, when I think of the provisions of this Bill, and of whose property it is on which it proposes to operate, I cannot help reflecting that the sacrifice approaches to something of a vicarious character. There is no doubt that in the course of the progress of this measure there have been considerable sacrifices made. It must, for instance, have been a great sacrifice to the Chancellor of the Exchequer to have read backwards the very eloquent speech which I remember hearing him deliver some two or three years ago in "another place," in which he said that after thoroughly studying the Irish land question, and serving on a Committee and examining witnesses, he had come to the opinion that there was no Irish land grievance; that the rights of property of the landlord were rights over the soil, and that if you took any of them away you would *pro tanto* take away his property in the soil; when he also said that it was contrary to natural justice that the tenant should be compensated for improvements made without the landlord's consent, and further, that if it was necessary to maintain firmly the principles of political economy in England, it was ten times more necessary to maintain them in Ireland. It must have cost a good deal to swallow all that. It must have cost a great deal to noble Lords opposite to persuade themselves that the provisions of this Bill are wholly in accordance with the declarations they made in this House last year that any measure on this subject which they would bring in would be entirely consistent with the rights of property. It must have cost much to the noble Lord the Chancellor of the Duchy of Lancaster (Lord Dufferin) to have forgotten the principles enunciated in the able and logical treatises on this question which we must all have read with pleasure. It must have cost the great Liberal party much, I do not say to have swallowed, but to have devoured with avidity, at the bidding of one man, the whole of the favourite doctrines and principles of their school on the subject of free contract. These must all, my Lords, have been considerable sacrifices. But if this Bill should pass into law there will have been made a sacrifice greater even than any of these. If, as the noble Earl (the Lord Privy Seal) expects, this measure should lead to the peace and contentment of Ireland—as I firmly trust it may, notwithstanding any forebodings I may entertain—I hope it will be remembered, and remembered by the people of England and Scotland, that to the patriotism of the landlords of Ireland, to their liberality in what they expressed themselves willing to concede, and to their moderation in regard to the changes which they have asked for, this happy result will be in a high degree owing.

VISCOUNT HALIFAX remarked that it would be an evil, of which they could hardly estimate the magnitude, if this Bill should not pass into law, and it was therefore with the greatest satisfaction that he had heard from the noble and learned Lord, as he did on Tuesday evening from the noble Duke sitting beside him, that the Amendments which would be proposed would be for the purpose of making the Bill better, and not with the design of materially impairing its principal provisions. He had listened with a feeling of melancholy, not unmixed with shame, to the long catalogue of abortive measures for improving the land tenure of Ireland, which had been given by the noble Earl in introducing the Bill. Private Members and successive Governments—Conservative and Liberal—had failed alike, and he was, therefore, most glad to find that both sides of that House were likely to join, as both sides of the other House had joined, in passing a measure which would remove a great blot in our legislation, and would, he hoped, put an end to a state of things in a neighbouring country which was a scandal to a civilized nation. The state of things which it was intended to remedy by this Bill was of long standing. It appeared to him to be almost the normal condition of Ireland that, from time to time, outbursts of agrarian outrage should occur. More than 30 years ago Sir Matthew Barrington, the Crown Solicitor for Munster, stated in a letter to Lord Morpeth, then Chief Secretary for Ireland, that agrarian outrages were constantly recurring. He gave a long list of them. In 1760 it was "the levellers" of Munster who were the offenders. In 1763 it was the Protestants of the North. In 1771 the counties of Down, Armagh, and Londonderry were the scenes of violence. He would not weary their Lordships by going through the list down to the present time; but in reference to them Sir Matthew Barrington quoted the following opinion of Dr. Campbell, given in 1760:—

> "Until some step is taken in favour of tillage and the poor, Whiteboyism will probably remain, in defiance of all the securities which the legislative power can devise, or the Executive inflict."

And Sir Matthew Barrington added his own opinion—

> "Almost every outrage, if closely scrutinized, is traceable to the eviction of tenants or the changing possession of land. The Whiteboyism of 1760 is the same as that of 1834. No essential difference is distinguishable between them. The root of the evil has not been reached as yet."

It was, he feared, as true that the Whiteboyism of 1870 was not distinct in character from the Whiteboyism of 1760, and that the want of security of tenure in Ireland was at the root of the evils which had been running on for more than a century, and which at last, he trusted, a successful, but at all events a bold attempt was made to remedy by the Bill before the House. He had also heard with great pleasure the opinion expressed by the noble Duke opposite on Tuesday night, that we must look at this question as an Irish question. He had looked carefully into everything connected with it, and he was convinced that it was utterly futile to attempt to legislate upon this question of Irish land unless we did so in accordance with Irish views, Irish feelings, and Irish manners. He would not enter into a discussion of the subjects with which the greater part of the speech of the noble and learned Lord (Lord Cairns) had dealt. They were matters for discussion in Committee rather than on the second reading. It had been said that the Bill would lead to a great deal of litigation in Ireland. Possibly that might be the case at first; but, even if it did, it would be a great thing to substitute appeals to the Courts for appeals to violence, and to substitute the reign of law for the reign of outrage. He would now proceed to refer to the principal provisions of the Bill. On one of them he apprehended that there was no difference of opinion in that House—that is, that compensation should be given for the outlay made by tenants on improvements in Ireland. The first point objected to was, that the Bill gave what was not given in England—namely, compensation for permanent improvements, such as buildings and reclamation of land. The noble Earl who spoke from below the Gangway on Tuesday night (Earl Russell) denounced the injustice of the law, which he seemed to think applied to Ireland alone. But their Lordships were aware that the law was the same in this country as in Ireland, and what made it unjust in Ireland was the difference of circumstances in the two countries. It was too often assumed that the same law ought to apply to England and Ireland; they must not forget that the circumstances were totally different. In England the landlord made the permanent improvements; in Ireland, in most cases, the tenant made them. The law, therefore, which in England gave the landlord the buildings, gave him only what he had erected with his own money; and if in Ireland the Bill should give the value of the permanent improvements to the tenant, it was for the reason that he and not the landlord had made them. The same principle of justice would be equally observed in both countries, though the law by which it would be applied would differ according to the circumstances of each country; and this was a strong proof of the necessity of looking to the state and circumstances of Ireland in any measure applying to that country. It was the same thing with the next point. The noble and learned Lord had objected to the provision in the Bill, that the presumption of having made an improvement should, in the absence of any evidence to the contrary, be in favour of the tenant. It seemed to him, however, that this was only just, and that for two reasons. In the first place, the landlord was more likely than the tenant to be able to adduce evidence as to the person by whom an improvement was in fact made; and, in the second place, the presumption of the Bill was in strict accordance with the general course of things in Ireland. As the great majority of improvements in Ireland were made by tenants, it was right to assume that, in the absence of evidence to the contrary, any particular improvement was made by them. It was upon this latter ground, as he understood it, that a noble Viscount (Viscount Lifford), who had opposed the Bill on Tuesday night, had, in some letters published last autumn, advocated the principle of presumption in favour of the tenant; and a very able advocate of landlords' rights, Mr. Bence Jones, had declared himself satisfied with the clause in the Bill on this subject. They ought not to require that an illiterate man should afford proof of his outlay, which might be very difficult in his case, though nothing could be easier than for the landlord to give proof of what he had done. The next point was, he thought, the most difficult in the Bill—the clauses for compensation for disturbance—and it was no doubt perfectly right to keep distinct the question of compensation for improvements and compensation for disturbance. Unless, however, they awarded compensation for disturbance they did nothing to give security of tenure to Ireland, and the whole Bill would be utterly useless. What the Bill did, and what the Bill, he thought, ought to do, was to recognize the custom as they found it in different parts of Ireland. It was quite right that this should be the case; because, on the whole, custom in these matters was stronger than law. A well-known and most intelligent agent of property in Ireland, not very favourable to the Bill, Mr. French, said, in his evidence before Lord Clanricarde's Committee, that he did not see how legislation could put down tenant-right. The first custom recognized by the Bill was the tenant-right in Ulster; and he thought it was quite right to do so. He did not mean to say that according to our notions, either of political economy or of common sense, the Ulster tenant-right was a good custom. It seemed to him to be bad for the tenant, who sunk during his tenancy a certain part of his capital, which he could more advantageously employ in the cultivation of his farm; and bad for the landlord, out of whose pocket, in some way or another, part of this loss must come. But, strange to say, it was equally popular with tenants and landlords, and had been strenuously advocated in "another place" by the Ulster landlords. They attributed to it the good cultivation and prosperity of Ulster, for which view he agreed with the Lord Privy Seal that there was no good reason; but he agreed with them in attributing to it the peaceable character of the Province; for while several of the agrarian outrages, detailed by Sir Matthew Barrington, took place in the Northern counties, from 1760 to 1790, there had been no appearance of them in Ulster since the latter year.

A good deal had been said of the absence of any definition of the custom, and the consequent difficulty of enforcing it in a Court of Law. He could not understand this objection. In the part of England with which he was best acquainted a tenant-right for tillages and outlay by the tenants existed, differing in different parts of the country, differing on the same estate, and in one case within his knowledge in different parts of the same parish. All these were enforced by the Courts of Law without any difficulty, and he did not see why any difficulty should be found in doing the same thing with the tenant-right in Ulster. As regarded the Ulster tenant-right, the only change made by the Bill was, that the tenant could enforce in a Court of Law what he invariably received by custom. Proceeding on the same principle, the Bill, rightly too, recognized similar customs which existed in other parts of the country—as in the case of the noble Earl (the Earl of Portsmouth), who spoke on Tuesday, on whose estates, in the county of Wexford, the Ulster custom had been established, with the addition, he believed, of a lease, and where the result had been most satisfactory. But then came the question as to those parts of Ireland where the custom was not so well recognized. The evidence, however, taken before both the Committee of the House of Commons and the Committee held in their Lordships' House, as well as the result of the inquiries made by those gentlemen who had visited Ireland last year, and whose views had been made public in what the noble and learned Lord had truly called the extensive literature on this subject, showed that compensation was given to the outgoing by the incoming tenant on almost every change of tenancy throughout the whole of Ireland. He would not trouble their Lordships by many quotations; but he wished to read a short extract from Mr. George Campbell's book, which stated the whole case very concisely. That gentleman, who had served with great ability in India, and had had considerable experience in similar customs in India, said—

> "As in the case of Bengal, so in Ireland, the right of the occupier to sell was regulated by the custom of each district. In some districts—namely, those of the North—it had become a regular, well-defined, and generally acknowledged system. The tenant-right sold for large sums. In other districts the right was less defined and less acknowledged; but, so far as I can gather, it everywhere, more or less, prevailed—*i.e.*, the outgoing tenant generally got something from the incoming tenant, which the people considered to be the purchase-money, however the landlord might view it."

The Bill proposed to recognize this custom, and to enforce from the landlord, on evicting a tenant, the sort of payment which the tenant would have, by custom, received from any successor to his tenancy; but restrained within certain limits. He did not think the amount of compensation proposed to be given was excessive. It was not more than was not uncommonly given by good landlords in the South of Ireland. Even as regarded the estates under the management of the Court of Chancery, it appeared, from Mr. Fitzgibbon's book, himself a Master in Chancery, that the substitution of a new tenant by the outgoing tenant was commonly allowed; and frequently, in addition to forgiving the arrears of rent, they contributed a sum towards the expense of the passage of the outgoing tenant to America. He observed, too, that in the Bill which had been laid on the Table by the noble Earl (Earl Longford) opposite, the amount of compensation to be paid to the lower class of tenants was as high as that contained in the Bill of the Government. Now, this proposal of compensation for eviction had been designated by the noble Marquess (the Marquess of Salisbury) as spoliation; and taking his property from one man and giving it to another. The noble Marquess, however, as well as every noble Lord who had spoken on the other side, approved of recognizing the Ulster tenant-right. A moment's consideration must show them Ulster tenant-right included compensation for disturbance. There was no pretence for saying that it only covered improvements made by the tenant. It had, in some cases, amounted to the value of the fee simple of the land; and it really had the effect of giving compensation to tenants, both for the improvements they made and for disturbance in their holdings. This being so in Ulster, he did not see how those who approved of the Ulster custom could object to the recognition of the same principle in the rest of Ireland. If it was not spoliation in Ulster, it could not be so in Munster and Connaught. If they admitted the propriety of giving legislative sanction to the Ulster tenant-right, it could hardly be disputed that it was also right to give similar sanction to similar customs whenever they were found to exist in other parts of the country. That there were such customs, and that they were generally recognized by good landlords, was proved by all the evidence on the subject. The only extent to which a good landlord would be affected by this measure would be, that his tenants would, in future, obtain by right that which they now enjoyed by favour. It was true that this would make a considerable change in the relations between landlords and tenants; but, unless they did effect that change, and gave the outgoing tenant a right to such payment on eviction, the payment could not be enforced against those landlords—few in number, he gladly believed; but whose conduct, as the noble Duke had truly said, kept up the feeling of insecurity and injustice which it was the great object of the Bill to remove. *The Times*' Special Commissioner in Ireland, writing in reference to the selling of land in small quantities in the Encumbered Estates Court, said that where the tenants became the purchasers the happiest results followed; but when the lands were bought by attorneys and tradesmen from the neighbouring towns, they proved to be the hardest and most grasping landlords that could be imagined. It was indispensable, therefore, to confer as a legal right what had up to the present been admitted as a matter of favour, so as to protect tenants against that class of landlords who bought up estates merely as matters of speculation, and with the intention of making the largest amount of profit possible out of them by any means at their command. It was clear that, unless Parliament gave that right, it would do nothing to give a feeling of security to the tenants in Ireland; and, unless they did that, they might as well abstain altogether from legislating on the subject. With regard to the question of leases for 31 years, he would say nothing now. Leases for 19 and 21 years were thought sufficient in Scotland, and in his opinion a yearly tenancy with good tenant-right was better than either, both for landlords and tenants. The general opinion however in Ireland seemed to be favourable to the 31 years, and he would not run the risk of rendering the Bill unsatisfactory by an alteration in what was, after all, a matter of secondary importance. So far, then, as related to compensation for improvements, and to compensation for disturbance or eviction to existing tenants and to their successors in ordinary course, he approved of the provisions of the Bill, subject of course to such Amendments in Committee as might be found advisable. With regard to the arrangements for the future, he agreed to some extent with the noble Marquess (the Marquess of Salisbury), who spoke on Tuesday, in his objections to the interference with future contracts. The sound principle was complete freedom of contract. It was a question, however, whether the tenants of Ireland were, as a whole, a class sufficiently independent to obviate the necessity of giving them protection. The Government, reviewing the circumstances generally, were of opinion that protection was necessary. This probably was the case, as to the smaller tenants who constituted the great majority of the body. He thought himself, as indeed the noble Marquess had admitted, that the Legislature had a full right to extend such protection to these tenants. He did not recognize the distinction which the noble and learned Lord had attempted to draw between protection to life and other cases. The prohibition of the truck system seemed to him a complete case in point. Perfect freedom of contract would allow the employer to agree with his workmen to pay partly in money, and partly in goods, and such an arrangement honestly carried out might be for the advantage of both parties. It had been found, however, to lead to so much fraud and oppression that the Legislature had wisely prohibited it altogether. It was a very different question whether the protection was necessary to the extent to which it was proposed to afford it by the Bill. Admitting that it might be essential in the case of the poorest class of tenants, it did not follow that it was expedient to interfere with contracts between tenants of a superior class and their landlords. So long as the holdings were transferred from one tenant to another, the ordinary system of payment for goodwill by the incoming to the outgoing tenant would continue. Suppose, however, that a landlord had paid full compensation to an outgoing tenant, and a future tenant was willing to take the farm without any claim to compensation for goodwill on eviction, he and his landlord could not, according to the provisions of the Bill, agree to do so, though the tenant thought it for his advantage, unless the rent of the farm was above £50 per annum. That being so, the landlord would of course require to be paid, before he admitted the tenant, what would have been paid to an outgoing tenant. The landlord could easily protect himself; but a bad system was compulsorily perpetuated by the Bill. The tenant during his occupancy was deprived of part of the capital which might have been better employed in the cultivation of his farm, and the landlord, during the period of the tenancy, would enjoy the interest of the sum so paid to him. The Bill exempted from that restraint tenants paying above £50 per annum. As it originally stood, it only exempted tenants above £100—which was ridiculous—for of tenants from year to year, and under leases not exceeding 31 years there were, in all Ireland, only about 5,000, and there were but 20,000 of such tenants above £50 per annum. Out of 570,000 tenants, therefore, of that description, only 20,000 could relieve themselves from that restriction. It must be for persons better acquainted with Ireland than himself to say what should be the amount of rent the paying of which would render a man sufficiently independent to be allowed perfect freedom of contract, and whether £50 per annum was the lowest limit of independence. The only other part of the Bill to which he would refer was the purchase of land. He agreed very much on that subject with the observations which had been made by the noble Marquess (the Marquess of Salisbury). He thought it a source of political weakness to this country that the number of landed proprietors should be gradually diminishing. He could not say that he was very sanguine that the number would, by any legislation, be largely increased in Ireland, when they were diminishing in the richer country. It was stated that a good deal of land had been bought and sold in the Encumbered Estates Court, which afforded many opportunities of purchasing small estates, and the farmers in that country were said — he did not know how truly — to have £15,000,000 or £16,000,000 in the banks. It did not, however, appear that, with the means and opportunities of purchasing, they had availed themselves of this power to any great extent. If, then, this was so, there was little necessity for borrowing from the State; and he confessed that he looked with some alarm upon the plan proposed of lending money to small proprietors to purchase land, though he thought it a far better one than that proposed by Lord Mayo for advancing money for improvements in respect to which there would be no security whatever. There certainly would be ample security in the land purchased under the proposed Bill; but he had great doubts as to this system of State advances. He thought there was danger in the State being the creditor of many of the small proprietors in Ireland. If distress came and they were unable to pay the annuities charged on their estates, it would not add to their loyalty if the Exchequer had to enforce what was dues to it by process of law. If the system worked successfully, if they could create a considerable body of small proprietors whose interest and whose feelings must necessarily be in favour of the administration of the law, and if they could create such a feeling of contentment and satisfaction among the tenantry of Ireland as would dispose them to co-operate in furthering instead of thwarting the ends of justice, we might then—but he feared not till then—dispense with the constant and melancholy recourse to Coercion Acts. He entirely differed from the noble Marquess who spoke on Tuesday evening, as to the effect of relaxations of the old penal system. Every relaxation of the old Penal Laws had been followed by an accession of Irish loyalty to the Throne, and he looked with confidence to the effect of this Bill in enlarging and widening that circle. He did not believe that the present feelings of discontent could be removed for a year or two—perhaps for a generation; but he trusted they were now sowing the seeds of an improved state of feeling, an improved social condition and political attachment to this country in Ireland, of which the younger Members—and he hoped not a few of the older Members—of their Lordships' House would live to see and to reap the harvest.

Earl GREY: My Lords, I do not, after the protracted debate which we have already had, intend to trouble your Lordships with many observations; but there are some points upon which I should like to make a few remarks before I assent to the second reading of the Bill. And, first of all, allow me to say that there is a very considerable distinction to be drawn between that part of the Bill which is retrospective, and that which applies to future tenancies. I feel that the discussions of the last few years have proved that the grievances in connection with land in Ireland are of such a pressing character that it is absolutely necessary that they should be redressed as soon as possible. That consideration it is which reconciles me to the passing of this Bill. Though I do not believe that all these grievances are dealt with by the Bill in the best manner, still I am willing to hope that the rules established with respect to existing tenancies may not work so badly as some have anticipated. But I must say that I think it would have been better if a different mode of dealing with even these tenancies had been adopted. The real ground upon which I conceive that the existing tenants are entitled to great consideration when removed from their holdings is, because I believe that there has in many cases, and especially in Ulster, been a virtual and implied, though not a legal contract, between them and their landlords that the tenants should remain in occupation long enough, at all events, to recoup themselves the money paid for the right of occupation. And so, when money has been laid out on improvements—where a landlord has looked on and seen a tenant lay out money in improvements, and did not interfere, he morally bound himself not to disturb the occupation until it had lasted long enough to enable the tenant to recoup himself. There appears to me, therefore, to be a real and substantial contract, though it may not be a legal one, between the two parties. If, therefore, the Bill had proceeded on the principle of recognizing these implied contracts as valid—if, providing some mode of inquiry where existing tenants were disturbed, into the value of their equitable claims, it had awarded them full and liberal compensation—I think that would have been a far wiser and juster mode of proceeding than that which has been adopted, of laying down arbitrary and capricious rules applicable to all cases, by which in some cases the tenant would get too little and in others too much. Resting the cases of existing tenants on implied contract, I cannot but think liberal compensation might have been awarded to them without the slightest shock to the rights of property, or the slightest risk of establishing dangerous principles for the future. Leaving that point, however, I desire to call your attention to the provisions of the Bill with respect to tenancies hereafter to be created. Upon that question it appears to me that those who have gone through the evidence given before the various Committees of Parliament, can hardly fail to come to the conclusion that a great part of the difficulties of Ireland have arisen from the fact that the tenants have equitable rights which they cannot enforce, and that this is attributable in no small degree to the defects of the Law of Contract, which makes it difficult, if not altogether impossible, for the parties to enter into contracts of the kind most desirable. True, a very large proportion of the holdings in Ireland are now held under agreements from year to year; but that has not always been the case. Not more than two or three generations ago the greater part of the holdings were held under leases of quite sufficient duration to exempt tenants from the large proportion of the evils from which they are now suffering. Considering the unfortunate state of the Law of Contract, I think it speaks very highly of the fairness of the great body of the Irish landlords, and also of the great body of the Irish tenants, that there have been so few disputes, and that they have not been much more serious than they have been. Why has this been changed? It seems to me, partly in consequence of the indirect operation of the laws relating to other matters, and especially to Parliamentary elections; but chiefly from the fact that the law of Ireland regarding contracts for land is at this moment in a most thoroughly unsatisfactory state. It, therefore, appears to me that the very first object to be effected in improving the law is to give facilities to parties to make contracts of a fair and reasonable character, and without expense or difficulty. This was the object of the Bill introduced last year, by the noble Marquess on the Cross Benches (the Marquess of Clanricarde), and, if passed, it would have provided a cheap and easy mode of recording such agreements, and of enforcing them, and would also have given every inducement to the landlords to grant leases on advantageous terms. These are improvements required above all things in Ireland, and with respect to them the present Bill is a perfect blank. It attempts to remove some of the evils resulting from the present Law of Contract as it affects existing tenants; but it offers no facilities to parties to make agreements according to their interests for the future. On the contrary, it subjects the power of landlords and tenants to make contracts with each other to new and onerous restrictions of the most complicated character, and calculated to lead to litigation. It attempts to guard the tenant against abuses of power not by aiding parties to enter into arrangements with facility, but by laying down certain arbitrary regulations to prevent those abuses which, it seems to be assumed, that every Irish landlord is habitually guilty of. It has been stated by the Prime Minister that "freedom of contract is the foundation of every wholesome state of society;" yet the present Bill proceeds on the very opposite principle. This is defended on the ground that the condition of Ireland requires exceptional legislation; and it is said that this necessity for exceptional legislation arises from the excessive competition for land, and the dearth of employment other than agricultural in Ireland; that the landlord has practically the power of exacting any terms he may think fit, and the occupier, if he be turned out of his holding, has—as has been repeatedly stated in this debate—no alternative but the workhouse and America. The noble Marquess (the Marquess of Salisbury) the other evening, and the noble and learned Lord to-night have shown the extreme danger of saying that this was good ground for interfering with the acknowledged rights of property. For my part, I totally deny the correctness of the statement, and also the inference that if these facts were true the exceptional legislation would be calculated to correct it. No doubt there is intense competition for the land in Ireland; but all who have been in Ireland concur in saying that the Irish peasant is exceedingly shrewd and exceedingly hard in driving a bargain with his landlord, and that it is not very easy to get him to consent to unreasonable terms. And that he is not very unsucessful is proved by what was stated by the noble Earl (Earl Granville), that the average rent of land in Ireland was, in proportion to its value, lower than in any other country in Europe. With regard to the allegation of the dearth of employment in Ireland, I would remind your Lordships that the noble and learned Lord (Lord Cairns), who has made such an admirable criticism on the Bill, has stated most truly that the evidence was undoubted that, at the present moment, a man of character and industry can support himself by independent labour even in the South of Ireland. No doubt there are fewer branches of industry than we could desire; but it is unquestionably not the case that there is the scarcity of employment in Ireland which is asserted. But, granting that the allegations as to the deficiency of employment for labour and as to the excessive competition for land were correct, I contend that a law such as that which you are asked to pass will increase the competition for land, and will be of no benefit whatever to the labourers. You may, no doubt, by passing a Bill of this kind, do something for the actual tenant; though I am perfectly convinced that in the long run even these persons will not find themselves much affected by the change you propose; but, at all events, with regard to the future you do nothing of any value. In fact, in passing a law of the kind now proposed, you are reverting to the old and exploded principle which led to the passing of the law to prevent usury. As the noble Marquess (the Marquess of Salisbury) showed you the other night, the provisions of that law were always evaded, and the only effect of the enactment was to make the borrower pay more for the money he required. In like manner, the laws which sought to make food cheap by forbidding the forestalling of grain were found to produce the precisely opposite effect. No man can doubt that all real improvement in the general condition of the people of Ireland must be effected by increasing the productiveness of the land and the means of employment for the people. Now, it is acknowledged that the agriculture of Ireland is in a most backward state, and calculations have even been brought forward to show that a given amount of labour applied to the soil of Ireland does not produce more than a fourth or fifth of what it produces in England. I cannot believe the difference to be so great, but it is certain that it is very large. It is also certain that the failure of agriculture to yield a proper return is the fault of the inhabitants of the country rather than of the soil or the climate; for, although it has been argued that the soil and climate are not fitted for the production of corn, this is only true with respect to parts of Ireland and applies chiefly to wheat, other kinds of grain and other crops Ireland can produce so well as to insure large returns. With respect to the Irish population I am, and have always been, altogether incredulous as to their being indolent by nature, for I have observed that Irish labourers in this country often show very great industry, and I rather ascribe the unproductiveness of Irish labour to want of skill, and ignorance of the people. Instruction is what they want, and this they have been gradually gaining; for some years past improvements have been going on in Ireland, which have raised the agriculture of that country much above the low point at which it was not very long ago, and a still further advance seems to be promised. And it is an important fact that the improvement that has now been going on for some years in Ireland has been most conspicuous on those estates which are owned by enlightened landlords and managed by able agents, who direct and encourage the people to adopt improved systems of cultivation. On estates where the tenants have been left to themselves, they have in general blindly followed their old traditional and ignorant customs, and have tilled the soil according to the wont of their forefathers. If these things are so, is it not obvious that a law which directly tends to deprive the landlord of a fair power of dealing with the land according to his own judgment, and which prevents him making contracts with his tenants according to what will be best for their mutual interests, must tend to discourage improvement? Attempts have been made by some enterprizing landowners to effect improvements on their estates; they have overcome the difficulties that they had to encounter, and successful results have been achieved by their efforts; but the power possessed by such landlords will be entirely destroyed by the clauses of this Bill, owing to the extent to which it interferes with the free action of both parties. I very much object to have the time laid down for which a landlord must give a lease. In Scotland and in the North of England it is held that leases of 19 and 21 years are the best that can be selected. It is thought that if a lease were granted for a longer term the tenant would cease to feel any interest as to a renewal, and there would be no stimulus to exertion to improve the holding; but the great inducement of the landlord is that, having the choice of a tenant on whose character he can depend, and knowing that he will have full possession of the land at a definite period, he trusts that the tenant will so improve the land that at the end of the term he may let it for a higher rent, and generally that expectation is not disappointed. It is under that system that the fields now in such high cultivation, and covered with magnificent crops, which are the pride of my own county, have been converted almost since the commencement of the present century to what they are from having been, in many cases, unclothed, and unimproved common. But in this Bill you absolutely prohibit the landlord and tenant, however much they may desire it, from entering into such arrangements, which have been proved by experience to be so successful.

The Duke of ARGYLL said, that agreements were only prohibited between landlords and tenants whose holdings were valued at less than £50.

Earl GREY: But how large a portion of Ireland does that provision include? In confining liberty of action to large farms, there is great danger of giving an unnatural and artificial stimulus to the process of consolidation. And although I have no doubt it is for the interest of Ireland that small holdings should gradually be got rid of, and that the farms should be made of sufficient size to give occupation to men of intelligent and cultivated minds; what I object to is that you interfere artificially with the natural progress of society, and with those processes which will induce men to occupy land in that manner which is most for their own advantage. You introduce a new system of arbitrary restriction, which is sure to defeat itself; and one of the great dangers of which is the tendency to promote litigation. This Bill is founded upon the principle of endeavouring to perpetuate the Ulster custom without defining what that custom is. Those who listened to the Chancellor of the Duchy of Lancaster's explanations of the Ulster tenant-right will admit, I think, that it is a very questionable system. You say that you cannot define the Ulster custom in the Act because it is impalpable—it varies so that you cannot grasp it, and, therefore, that any attempt to define it must fail. On this ground it is proposed that Parliament should throw on 33 Assistant Barristers in Ireland the duty of defining a right which it is entirely unable to define itself. Can there be anything better adapted than that to increase litigation and bring parties whose relations they desire to improve into a position of mutual hostility? Moreover, when you consider the nature of the Courts to which those questions, so deeply interesting to the population, are to be referred for decision, the prospect is most alarming. In dealing with those cases the Assistant Barristers will be exposed to intimidation and other kinds of undue influence, and the most mischievous results will ensue. Again, by this legislation, while you wish to diminish the excessive competition for land, you are directly encouraging those notions in the minds of the Irish people which make them look to the cultivation of the soil as their sole means of support, and you grant them exceptional legislation because they say that unless you give them land they must starve, or go to the poor-house, or to America. While you want to diminish excessive competition for land, you establish regulations which directly tend to encourage these notions in the minds of the people, and to make them look forward still more to the cultivation of the soil as their sole means of support. That is dangerous as regards the present, and still more dangerous as regards the future; and I fear that under the operation of these clauses you may produce a relapse into the condition of things which culminated in the horrors of the famine of 1847, when the land of Ireland was occupied by a population in immense excess of that which could be maintained in comfort by the land they cultivated. In spite of these opinions, however, I think your Lordships have no alternative but to agree to the second reading of this Bill, throwing the responsibility on the Government. You have no prospect, if you reject this Bill, that a better measure would be passed; and the disappointment of the expectations that have been raised on this subject in Ireland would have a most fearful effect. I am the more reconciled to the second reading of the Bill, because, while I regard as its most dangerous part that which relates to future tenancies, the passing of the measure will not tie our hands in regard to the establishment hereafter of freedom of contract between landlord and tenant in Ireland. Indeed, the Government themselves have recognized the insufficient manner in which that subject is dealt with in the Bill; and, therefore, the effect of your present legislation in respect to the future may be corrected by wiser measures hereafter. We may trust that it will not be long before Parliament will be called upon to adopt sounder and more wholesome principles with reference to future tenancies; and in that hope, although I think the manner in which the grievances of existing tenants are sought to be remedied by the Bill is rough and imperfect, I am prepared to accept the second reading of the Bill.

LORD ATHLUMNEY: My Lords, I am not willing that a debate on a subject so important to the country with which I am more immediately connected should come to a close without saying a few words. The noble Earl the Secretary for the Colonies and other Peers have been pleased to allude to the part I have taken in years past on this question; but public opinion with reference to it has advanced since then with rapid strides. Principles which 20 years ago would almost have been thought revolutionary are now accepted as a matter of course; and it would be an idle waste of time for me to go back and trace in detail the history of the various previous attempts made at legislation on this subject. I have always taken the liveliest interest in the question, because it is one that has excited the fears, the hopes, and, I may say, the passions of Ireland; and even so late as last Session I was associated with a noble Marquess on the Cross Benches (the Marquess of Clanricarde), in submitting to your Lordships' consideration a Bill upon it which was drawn up with great care, and, as many of your Lordships knew, with great skill, and which would have afforded an effectual remedy for many existing evils. But when that Bill stood for Committee, the noble Earl (Earl Granville), speaking on behalf of the Government, said that, though many of its provisions were excellent and well-considered, yet under the existing circumstances of Ireland, and in the position in which that question then stood, those provisions did not go far enough. My Lords, in a question of this kind there is no retreat. Once you have taken a step you must go forward; you cannot remain where you are. I saw, after the declaration of the noble Earl, that it would be useless to proceed further with that Bill. But having said in my place that it was better not to proceed with it, and to leave the entire responsibility with the Government, I ventured to press my noble Friend (Earl Granville) for a declaration that he would not be a party to any measure subversive of the rights of property; and my noble Friend gave that pledge. Bound up as I am with the interests of Ireland, your Lordships might suppose with what anxiety I awaited the Bill promised by the Prime Minister in the other House. As soon as the Bill appeared I studied it most diligently, and I feel bound to say that I found nothing in it which raised my apprehension or alarm, and I am quite satisfied that its operation will not be subversive of the rights of property. I accept the principle of the Bill, and I consider that there is nothing in it which a just, humane, or kindly-meaning proprietor in Ireland, such as I am happy to say the great majority of the Irish proprietors are, would not cheerfully accept. I have been struck in the course of this debate by the fact that it has been conducted with a total absence of party feeling. I am glad of that, because I believe from that circumstance that if it can be shown that there is any portion of the Bill which would work injustice, or which might require amendment, the suggestions which may be made will be considered in a proper spirit. I will not go through the different provisions of the Bill. I will only say that though defects have been pointed out, yet not a single noble Lord, with one exception, has said that he would do otherwise than vote for the second reading. Under these circumstances, am I to be the one to take upon myself the responsibility of remitting this question to another winter's agitation? And if anything that I, as an Irish proprietor who wishes well to his class, can say will have any effect on any noble Lord on the other side, I would humbly urge the necessity of giving this Bill a second reading, and not to throw this question once more into the seething cauldron of Irish politics. The noble Duke opposite (the Duke of Richmond) has taunted the Government with this—that their Irish Church Bill, which was to have produced such peace and happiness in Ireland, is a failure. The man who expects that peace and happiness can be produced immediately from any measure, whether connected with the Church, the land, or education, would be insane. We must wait for the progress of events. We have offered this Bill to the people of Ireland in a kindly, friendly, and conciliatory spirit, and you may depend upon it it will not be thrown away. You may depend upon it that a measure offered in such a spirit will produce its due reward. I was sorry to hear the noble Duke opposite talk of the Bill in a purely economic spirit. The noble Duke talked of Scotland and England, and asked, why not apply the same principles as were acted upon in these countries to Ireland? But this Irish land question is more than an economic question. I have always so considered it, and have acted upon that conviction. If I may be permitted to allude to anything personal in a debate of this kind, I would say that I know the system which I have pursued on my own estate, and which has descended from father to son, and from generation to generation, economically speaking, would be condemned in England and Scotland. But that is not the question. If I were to alter it, my tenantry would say—"Why so? Here is a system that has gone on from father to son, from generation to generation, and we have all been happy and contented under it. Why this change?" I hope my tenantry will not think that I would do anything that would be unjust; but their suspicions might be roused, and for no economic advantage that any House of Parliament could confer would I lose that kindly, friendly, sympathetic feeling that so long has existed between my tenants and myself. There are some points in the Bill which are open to improvement; but upon those I will not enlarge. One of the main objects of the Bill is to protect the smaller tenants. There are, however, some provisions in it as to which I doubt very much whether they will have the desired effect, and if in Committee it should be shown that they will rather promote the eviction of the smaller tenants, I hope the Government will be prepared to amend them. I will not detain your Lordships much longer: there is, however, one point upon which I will say a word. Your Lordships have heard in one or two instances, what I will not call prophecies but surmises, as to the mode in which the landlords of Ireland will act when this measure becomes law. For my part, I believe that the landlords of Ireland will behave under the provisions of the Bill as the great majority of them behave at present—with kindness and forbearance; and if that is the spirit in which the Bill is carried out, I augur from it the very happiest results. If I could only see peace restored to Ireland; if I could only see a better state of things prevail, I should think such a result cheaply purchased at the price of any concession. Indeed, were I called upon to make sacrifices ten times greater I would most cheerfully acquiesce, if by so doing I could contribute in the slightest degree to the restoration of peace and order—for without peace and order all our endeavours to promote the prosperity of the country or to further the progress of agriculture would be made in vain. For these reasons I shall support the second reading of this Bill.

THE EARL OF DERBY: My Lords, it is not my intention to trouble your Lordships for more than a few minutes, and I ought, perhaps, to apologize for troubling you at all, for I will frankly acknowledge that a great part of the arguments that I had intended to address to you have been anticipated by my noble and learned Friend (Lord Cairns) in the able and powerful speech which he has addressed to you on the subject this evening. I am not going to waste your Lordships' time by repeating with less authority and less force that which you have already heard from my noble and learned Friend; but as the views which I hold upon this great Irish land question—though perhaps unpopular, are decided—are views which have not been recently formed nor likely to be lightly abandoned, I am anxious that the Bill should not go to a second reading without my having an opportunity of explaining why I am prepared to acquiesce, so far as its general principles are concerned, in a measure which contains several provisions I cannot approve. In what I am about to say, I shall refer almost exclusively to that part of the Bill which refers to disturbance of holdings. Now, my Lords, with regard to the compensation to be given to the tenant for improvements made by him, I think the general principle is accepted by both sides of the House. If there be any difference at all, it is a difference solely with regard to the scale of payment, which may be altered in Committee. I say further, speaking of the South of Ireland, I cannot help expressing my belief that the practical importance of this question of compensation for improvements effected by the tenants has been enormously overrated. The theory which has been propounded, that all the improvements made upon Irish estates have been made by the tenants, is one which I do not believe to be at all justified by the facts. As far as my experience goes, in the South of Ireland it is ludicrous to speak of any improvements at all having been made by the small cottier tenants; almost all the improvements have been made by the landlords, and as a general rule the landlords in that part of the country would be very well pleased if they could in every instance get the material only back. Then, I do not propose to enter upon the question of those provisions which are ostensibly made for the purpose of enabling the tenant, with the aid of the Government, to become the purchaser of his holding. I have some doubt as to whether this is a wise policy to adopt; but I do not object to it for two reasons—one is, that the objections to it on economical, on moral, and on political grounds have been powerfully set forth by a Member of the present Government; and the other is, that the sum which the Government proposes to apportion to this object is so ludicrously small that I cannot believe the proposition is one put forward with any serious intention of carrying it into execution. It looks rather as if this scheme had been put into the Bill to save somebody's honour and to satisfy somebody's feelings, and as if it were the result of a compromise arrived at on the other side of the House, by which the scheme was to figure as part of the Ministerial Bill, and yet would, on the other hand, be on so small a scale that if it did not do any good, it could, at any rate, not do any considerable amount of harm. If you really mean to create a large number of peasant-proprietors — if you really mean to afford assistance wherever the landlord is willing to sell and the tenant is willing to buy, you will require not £1,000,000, but £50,000,000, £60,000,000, or even £100,000,000. Now I come to what is the real and novel principle in the Bill, and that is, the compensation granted to a tenant for a term of years for disturbance of his occupation. And I cannot help being struck with the fact that both in this House and "elsewhere" those who have dealt with this subject on the Ministeral side have given us no argument at all to show on what legal or equitable grounds they consider this principle ought to rest. It cannot be on the ground of improvements, for they are dealt with under a separate clause. It cannot be on the ground of legal right, for no legal right has been attempted to be shown. I do not say that the principle is not defensible; but the only ground upon which it is defended is, that in Ireland so far is the class of landlords from being harsh and cruel in the manner in which they have dealt with their property, their chief fault has been the culpable laxity and carelessness with which they have treated their tenantry. They have not exercised proper discipline, and by their easiness and laxity in enforcing their rights they have allowed a race of tenants to grow up around them, who entertain a vague and not easily to be defined feeling that they have in some sense a right to perpetuity of tenure. There is another ground which I fear is less creditable to the tenants—that, as a rule, they are so helpless and unhandy, so little used to help themselves, that if they are put out of their farms it is not easy to find any other employment for them. It is only on these two grounds, as I conceive, that any claim for compensation on disturbance can be allowed. I agree with the reasoning of the noble and learned Lord who opened the debate to-night (Lord Cairns), who said that this Bill did no injury to the good landlord, for he was in the habit of allowing his tenants all that this Bill claims for them. But I agree with him, too, that there is a wide difference between conferring benefits through kind and liberal considerations, and having them enforced by Act of Parliament. Private charity is one thing, Poor Law relief is another. But, my Lords, what is meant by kindness? There is much apparent kindness that is not kindness in reality. If I were asked which class of landlords had done most harm in the country — those who have dealt sharply, and it may be harshly, with their tenants, and have reduced their numbers, and those who, by their easiness, have allowed any number to multiply on their estates till they became like rabbit warrens—I should say that the misjudged kindness of the one had caused much the greater mischief in the country. Then, I confess, the objection I feel is more to the principle of the Bill than its actual operation. I do not see any escape from the argument of the noble Marquess (the Marquess of Salisbury), who said the other night that if you were to compensate a man for being turned out of his holding, because he had no refuge except to go to America, the same argument would apply to the case of every labourer or artizan who was employed at the will and pleasure of another. Some years ago, when there was a sudden cessation of work, it was proposed that manufacturers closing their works, without full justification, should be liable to compensate those whom they thus deprived of their daily work. At the time, I thought this one of those wild and extravagant propositions which sometimes appear in the writings and speeches of men fond of treating social subjects in a speculative manner. But I begin to take a different view, and I am afraid I shall have considerable difficulty in evading the precedent now proposed to be set. Well, my Lords, admitting, as I do, that to some extent, in regard to this question, we are pressed upon by a force of circumstances which we cannot resist, I turn from the unpleasant topic of having to acquiesce in a principle which I cannot approve, and I come to the more immediately practical part of the question — what will be the probable result of adopting this principle? I must say, plainly and freely, although it may be, and I dare say is, a very unpopular declaration, especially in Ireland—that if I believed the object—I will not say of this Bill, I will not say of the Government, for I do not know what their object is; but if I believed the object of those who support this Bill in Ireland was likely to be realized—if I believed that the effect of this legislation would be the placing upon the Irish soil in perpetuity of the present small holders—men who occupy six, eight, 10, 12, or 15 acres of land, which they have not capital, skill, or, in many cases, physical strength to cultivate — if I thought the effect of this Bill would be to perpetuate such a class in Ireland—I hardly know any consideration of prudence, of expediency, or of public policy, which would induce me to refrain from opposing a measure which, I believe, would be one of such unmitigated evil. Now, let us consider what is the position of these very small holders. Of course, there are exceptions, for there are everywhere men who rise above their class; I am saying nothing against them personally, for they do the best they can; but, as a class, it will not be denied that they are unimproving, and I believe that their circumstances make them unimprovable. In good seasons they can just scramble on and pay their way; in bad seasons they are in difficulties; and if there comes a general failure of the potato crop, on which I am afraid they still to a very considerable extent rely, they find themselves exactly in the position in which the whole agricultural population of Ireland was in the famine years of 1847-8. Their holdings do not give them the means of support; they have no prospect of raising their children to a better position than their own; and, that being the case, how can you wonder that, as a class, they are socially and politically discontented? I say that there is no hope of permanently disposing of the agricultural difficulty in Ireland—there is no hope of placing Ireland, in regard to agricultural matters, upon the same footing as that upon which England and Scotland are now — excepting by getting rid, in a gradual, gentle, kindly, but yet effectual, way of that class of infinitely minute holders, and consolidating the farms until you create holdings of such extent as to give the occupiers a reasonable prospect of comfortable subsistence. This is often misunderstood on this side of the water, because, in talking of large and small farms, we are apt to forget that large and small are relative terms. It is not a question of farms of 1,000 or 500 acres against farms of 100 acres; but it is a question of holdings extending to 100 or 50 acres, against other holdings of 20, 15, or 10. If I could really believe that this Bill would hinder the process that has been going on, sometimes more rapidly, sometimes more slowly, for many years—I mean the process of consolidating these small holdings—I say, again, that I would oppose it at any cost. But I do not believe, on the whole, that that will be its work. I do not think that it will give to the one class what they hope for, or that it will inflict upon the other what they fear. It will not give the undisturbed possession which is the dream of tenants; and, whatever we may say against the principle, I do not think it would operate as harshly upon the landlords as many people are inclined to think. I know this was not my first impression, nor do I think it would be that of anybody else, and therefore I may be allowed to explain why I think these results I have indicated would follow. In the first place, you are going by your act to place a premium—a high premium — upon the consolidation of small holdings into farms of a rental of upwards of £100 a year; and the owner of an estate who has foresight enough to evict his small tenantry and consolidate their holdings into farms of that size is entirely free from all restrictions, litigation, or annoyance which may be inflicted under any of the clauses of the Act. I may just notice, in passing, that it is not very consistent with your policy of protecting small farmers that you have given the most effective retrospective justification to those who in their own interest clear out their estate by evictions on a large scale. The freedom from restriction to which I have just referred is one strong ground for consolidating farms; but there is another. Looking at the graduated scale of compensation proposed, it is clearly an unbalanced gain to any landlord to throw two 10-acre farms into one of 20 acres, or three of 20 acres each into one of 60, because of the possibility of his finding himself under the necessity, or of his conceiving it to be to his interest, to remove the existing tenants. He would have very much less compensation to pay for one large farm than for the two or three small ones, and that would be a powerful stimulant to consolidation operating steadily from year to year. This being my opinion in reference to large as opposed to small farms, and as to the way in which the Bill would work, I must say that the tendency of the measure is, in that respect, in the right direction; but I venture to think that those innocent persons who in Ireland conceive that the object and the result of this measure will be to create a small cottier tenantry throughout the country, will find themselves considerably disappointed before the end of this legislation is seen. By the operation of this same principle of increased compensation to the smallest holders, and no compensation at all to the tenants of holdings above a certain size, you are making it absolutely penal —and I use the words advisedly—upon landlords to spare any small tenant who may be unfortunate enough to fall into arrears with his rent; because, if he is obliged upon that ground to give up his holding, the landlord re-enters without any compensation to pay, and he thereby frees his estate from heavy contingent liabilities; but if he allows that opportunity to slip by, he finds himself again saddled with the necessity to pay compensation from which, if he had taken the opportunity, he would have found himself relieved. If you want to establish thoroughly cordial relations between landlords and tenants, and if you wish the stock phrase at agricultural show dinners to come true by making landlords and tenants believe their interests to be one, I do not think the best way to accomplish that end will be to inaugurate a state of things under which, so far as pecuniary interest goes, the landowner is advantaged by the bankruptcy of all his small tenants. The landlord would lose one, or perhaps two, years' rent by such a contingency; but he would be free to remodel his estate, and when his farms were reduced in number and brought up to the requisite size, he would be free for evermore from the liability to pay compensation. There is another point of view to which I do not think attention has been drawn, and with respect to which I entertain a strong feeling—and that is that the moral effect of fixing, as you propose to do, a strict pecuniary value of a tenant's claim will be exceedingly important; and I am very much mistaken if it does not operate in a direction exceedingly different from that which you anticipate. The question stands thus:—Except in some very rare and exceptional instances, when some clear and indisputable ground for such action on the part of the landlords can be shown, there is no denying that the removal from his holding of a tenant who pays his rent steadily and does not misconduct himself, is in Ireland generally considered as a harsh and summary proceeding. I do not say whether that idea is just or not, but the fact is so. Long custom has created a kind of vague expectation in the minds of tenants of a permanent tenure, and anyone who breaks through that expectation is generally considered to have done something of which the tenant has a fair cause to complain. The state of the law as regards eviction has been that there has been a total absence of legal restraint upon the landowner; but that absence has called into existence a strong and cogent moral restraint. My belief is that this moral restraint will be wholly lost under the operation of this Bill. The Legislature has undertaken to fix the pecuniary value of the tenant's interest in the land, by a scale carefully adjusted —a scale we shall have to deal with by-and-by; but if the Bill with that scale —or with the scale altered, for scale of some kind there must be—passes both Houses, you will have a solemn declaration by the Legislature of what, in their judgment, is the maximum of the tenant's interest in the land. When that maximum is fixed, it is perfectly clear that hereafter there will be no shadow of injustice, or harshness, or iniquity—or any of those big words that have been so freely used when this subject was discussed—if in the future the landlords of Ireland exercise the right which the Legislature will have given them, and upon the terms it has itself fixed. The Bill is one that is professedly, and, no doubt, sincerely, framed in the interest of the tenant, and there can be no pretence of injustice if the landlord values the tenant's interest as the Legislature has valued it, pays him the money, and says to him—"Now, you may go." The landlord will be able to do that with a perfectly clear conscience as far as justice is concerned, and he will then be able to remodel his estate in such a manner as he may think fit, though it is a thing he would have shrunk from doing under the existing system. I cannot think that, in that respect, the operation of the Bill will be good for Ireland. Allowing 20 years as the average value of land, and allowing five years as probably the average value of the tenant's interest, it appears even with that that the scale is far below the value of land in England. Well, then, unless terrorism interferes—and if men are prevented by intimidation from doing that which both law and justice allow—alas, for the pacification of Ireland! but, if terrorism does not interfere, that may be the result. I am not saying that, after all, the issue will be unmixed evil—I have stated my views on that subject—but you say that retaining small tenants' holdings is the great object of your legislation. Well, then, I say whatever the immediate effect, the ultimate effect will be exactly in an opposite direction. There is another point on which some misapprehension exists. It has been much feared on one side, and much hoped for on the other, that the effect of limiting, by a pecuniary payment, the right of eviction will be to deprive the landowner of his present control over the estate. Now, I do not think, except in the case of a large estate and small holdings, that the control of a landowner will be, in any degree, appreciably diminished. If a small holder, under these circumstances, misconducts himself, if he violates the rules of the estate, and makes himself objectionable in any way, the landlord may, without impropriety, pay him out and have done with him—and, for the reason I have given, he will be able to do so much less unpleasantly than hitherto. Undoubtedly, no proprietor would serve the whole mass of his tenants in that manner; and no proprietor can possibly wish to do so. But, as it is said, a single man armed with a pistol is a match for a crowd, because, although he can only shoot one man, nobody in the crowd knows that that one man may not be himself: so it is with the power of eviction, even as you propose to limit it. It is a protection to the tenantry of an estate as a body; but, to any single tenant, it is no protection at all. No doubt, he gets a *solatium* for removal; but still, if desired to go, go he must. I have stated briefly—I have tried to state impartially—what seems likely to be the working of this measure, assuming it to be adopted. I do not think that it will produce either the good or the evil that is anticipated from it. The principle I accept for the reasons I have stated. As to the details, there are many points on which objections may be urged; but these can be properly discussed in Committee. But I will venture to say that what is most satisfactory in the measure is that—not so much by what it says as by what it does not say—it practically involves a denial of that curious and fantastic delusion, which appears to have taken hold of some of the agricultural body in Ireland—that, in some vague unexplained way, the land belongs of right, or ought to belong to those who live on it—a claim which is about as reasonable as that of the cook who should assert his right to eat the dinner he has prepared, or the bricklayer to live in the house he has built. That delusion will be finally negatived by this Bill. I am very glad of it; and if any doubt mingles with the satisfaction which I should otherwise feel on the subject, it is only that I hope that those who have introduced this Bill as a final measure will have courage to stick to it as final. I do not like to be a prophet of evil; but I do ask the House not to indulge the delusion that because this Bill, if it passes as it stands, will give a certain degree of satisfaction to a certain class in Ireland, therefore you will see an end of agitation in that country. I am afraid that the trade of dilating upon the grievances of Ireland is far too profitable to be so easily abandoned. I ask you whether the Irish Church would not now have probably been still on its legs but for the Fenian agitation? I will also ask whether this Bill, in its present form, would have been likely to pass through both Houses of Parliament, if it had not been for long-continued agitation, supported by many most unjustifiable acts of violence? It is an unpleasant truth, I know; but it is the truth, and I name it for that reason—that I do not think we can reasonably expect people to give up playing a game which has hitherto been so eminently successful. You have a Press in Ireland that would lose half its circulation if treason ceased to be popular. There are other parties who have achieved immense influence out of the unfriendly relations between landlords and tenants in Ireland, which they would lose if those relations were to become cordial, and it is, therefore, only human nature to anticipate what their future tone will be. For the poverty and discontent existing in Ireland there is only one real remedy—the gradual reduction of holdings; and in the nature of the case that must necessarily be the work of time. But if I thought much worse of the principles of this Bill than I do—and I do not think particularly well of them—

I should still feel that I had very strong reason for supporting it. You are going before long to have, in all probability, a fresh agitation in Ireland—one quite as troublesome and violent as any that you have had to deal with in times past. Fenianism, they say, is played out. It may be so. But if Fenianism is gone, you will see, I am afraid, taken up by daring hands, and by a great proportion of the population, the demand for nationality, for self-government, for the repeal of the Union: I do not care by what name they call it; but, whatever its form that is what will be really demanded. When demands of that kind are made upon you—and made I think they will be within the next few years —it is absolutely necessary that they should be met by a decisive and peremptory answer; and in order that it may be decisive, it will be necessary that in England and Scotland men of all ranks, classes, and parties, should concur in giving it. If I may venture to speak as an Irish landlord, I will say that I think we are right in being willing to make large sacrifices not only of doubtful, but even of undoubted rights; not in the vain hope of conciliating those whose interest it is never to be conciliated, but in order to satisfy ourselves and the world that all that legislation can do has been done, that no real grievances remain, and that so we may be able to defend the English Government in Ireland without feeling in our minds a scruple or doubt as to the justice of our policy.

The Duke of ARGYLL: My Lords, I should very gladly have given a silent vote upon this question—especially as there is no doubt about the second reading of the Bill—and have left the discussion of the measure to those noble Lords who are more particularly connected with Ireland, but that the declaration of my noble Friend the Colonial Secretary in introducing this Bill, that every Member of the Government had acted upon a deep sense of responsibility in respect of this Bill, makes me feel it to be my duty to state the grounds upon which I have come to the conclusion that this measure is just and necessary in itself; that it interferes unduly with no right of property, and that it is due in justice to the people of Ireland. I approach this question from a very different point of view from that of some noble Lords who have already taken part in this debate. I am connected with that part of the kingdom where agriculture has thriven under an absolutely free system of contract. I value that system in the circumstances under which it exists above everything in the world; but I am satisfied that in the peculiar circumstances of Ireland the system which has succeeded in England and Scotland is not at present applicable, although I trust it will be applied to that country in the course of future years. I would first inquire what is the position of this House in regard to this Bill? We are agreed, it appears, upon the second reading; and my noble Friend who has just sat down has told us he is willing to accept what he conceives to be the principle of the Bill. But he did not himself attempt any definition of that principle; and I am compelled to gather from the diverse speeches of noble Lords opposite what it is they accept and what is the principle to which they object. What are the main admissions which I have heard from the Bench opposite? I have heard a hearty acceptance of two distinct things. First, I have heard the acceptance of the principle of retrospective compensation. I would ask noble Lords who passed so lightly over that, as a principle which is to be accepted without discussion or doubt, if they had defined to themselves and others what is involved in it? Do you not know that it is a principle which you have resisted to the death? ["No, no!"] I am speaking of Parliament, and not of men or parties. Has not the principle of retrospective compensation for improvements been resisted by Parliament up to the present Session, and especially by your Lordships' House? In 1854 a Bill was passed by the other House containing that principle; but I believe it was afterwards rejected by this House. And there is no question that the principle of retrospective compensation involves, in a strictly legal sense, a great encroachment on the rights of property. Precisely the same arguments might be used against it, which the noble and learned Lord (Lord Cairns) was occupied for nearly an hour in raising with regard to compensation for disturbance of occupation. Edmund Burke said—

> "I call that the right of property which every man has a right and reason to expect to be his by the laws of his country during his own life, and many previous generations."

Apply that to the case of landlords in Ireland who have bought property in the Encumbered Estates Court. They have bought their land under the laws of the country and under a Parliamentary guarantee, and with the land the improvements which their tenants had made upon it: and yet by retrospective compensation their property in the improvement so purchased under the guarantee of an Act of Parliament is confiscated. The noble and learned Lord (Lord Cairns), in order to frighten noble Lords behind him, said—"If I am compelled to submit to this principle of compensation for occupation I shall do it with my eyes open, and declare that I know I am interfering with the rights of property." But the same might be said of retrospective compensation. But not only have noble Lords opposite failed to draw the proper inference from this proposition, but they have not fully treated another great concession which, I rejoice to find, they are willing to make—that is, the legalization of Ulster tenant-right. Have noble Lords opposite considered what that means? Possibly the noble and learned Lord may get out of it by saying that the customs of a country are part of its laws; but he cut the ground from under his feet by affirming, in the course of his able speech, that the Ulster custom had none of the incidence of a legal custom. In that case to legalize the custom would be to impose a burden upon property in the North of Ireland which it has not hitherto borne by force of law. In the words of Mr. Campbell, my distinguished friend the Chief Commissioner of the Central Province of India, who has written a very able book upon Irish land, from much of which I totally dissent—the noble and learned Lord will transfer from one to another that which belongs to the property of one. The noble Earl who last spoke (the Earl of Derby) approved of the legislation of the Ulster custom, yet he objected to another part of the Bill, which obliges landlords to pay what they had hitherto given only in accordance with custom and good will. Does not the noble Lord know that the Ulster tenant-right is not only compensation for improvements, but in a very large degree gives compensation for disturbance pure and simple? But the noble and learned Lord, who assents to the Ulster custom, protests violently against the 3rd clause of the Bill, which gives compensation to tenants out of Ulster on precisely the same grounds as to tenants in Ulster. What, then, is the common sense or the policy of legislation which will legalize such a custom in Ulster, where there is no discontent, and will not allow persons to be compensated for disturbance of occupation in the rest of Ireland, where there prevails the discontent in consequence of which we are called upon to legislate? Does the noble and learned Lord really mean to say, as a Member of your Lordships' House and as a statesman, that he is prepared to admit the necessity for legislation on the land question in Ireland, and yet will exclude from compensation all the Provinces where discontent exists? It is a *reductio ad absurdum.* My noble and learned Friend said he had never heard any justification of the 3rd clause. That seems to be a strange complaint after the full statement of my noble Friend who introduced this Bill, as to the propriety of protecting the smaller tenantry in Ireland; and which was so fully accepted by the noble Duke (the Duke of Richmond) who made so fair a speech on the occasion. The noble and learned Lord objected to compensation on account of disturbance as a gross violation of the rights of property; but how is that consistent with the admission of the noble Duke? There is another ground upon which I would claim protection for the smaller tenantry not in Ulster only, but out of Ulster. It is perfectly true that out of Ulster the customs are in a ruder state; but there is ample evidence that those customs exist over all Ireland not exactly in the Ulster form, but in a form that has acquired a certain amount of permanence and consistency. Frequently, it is in the form of bequests made by tenants on their death-beds with the full knowledge of the agents of the estates. That is of itself sufficient to show that the people, at all events, entertain at least an expectancy of occupation. I remember a speech made in this House by the late Lord Derby, in which that noble Earl said he had found in the Reports of the Poor Law Inspectors passages which were astonishing and absurd to the ears of English or Scotch proprietors, and hardly credible to them, and yet familiar to all owners of property in Ireland. Mr. Hamilton said, with respect to the South of Ireland—

> "Tenants frequently, by will or agreement (in the nature of marriage articles), charge their

farms with portions for their widows and younger children, irrespective of their tenure. It is a common practice. In some instances such charges are very considerable, and cripple the successor; but, as a rule, they are rigidly carried out. Though such arrangements are sometimes detrimental to properties, they are very rarely interfered with. Indeed, it is, I believe, more common for the landlord and agent to assist and advise than to throw any obstacles in the way, provided the farm be not subdivided."

With such evidence as that before you, your Lordships must feel that both inside and outside of Ulster a custom has grown up by means of which tenants have by their landlords been encouraged to look forward to continued occupancy. You must therefore, in some degree, give some security to this expectancy, outside as well as inside Ulster. Briefly, I would say that the principle of our Bill is this—We legalize the Ulster custom, where it can be proved to exist; and where its existence cannot be proved we supply a new rule of compensation containing all the equities of the Ulster custom without its abuses and extravagances. And yet noble Lords opposite base their chief opposition to this part of the measure, because, as they say, it interferes with the rights of property—though, in fact, it gives nothing to tenants out of Ulster but what equity gives to those tenants within Ulster. One noble Lord, indeed, told us that we are about to stereotype this mischievous Ulster custom. Now, I must confess that no one came to the consideration of the land question with greater prejudices against tenant-right than I did, nor did anyone see more clearly the economical objections to which it was exposed; because it looked as if it prevented a large amount of capital, necessary for the cultivation of the farm, being in the hands of those who were alone interested in its proper cultivation—namely, the owners and the occupying tenants. That is the theoretical objection. But, on the other hand, paying full heed to the peculiar circumstances of Ireland—remembering that this tenant-right is the natural growth of the soil of Ulster, whether as a cause or as a consequence of prosperity — remembering also that it is the result of dealings between man and man, who have sought remedies for the evils of the existing law, and remedies for the injustice which that law inflicted upon the tenant — remembering, I say, these things, we felt that political necessity was laid upon us to legalize this custom. I deny, however, that our Bill, while legalizing this custom, will also stereotype its evils. Nay—as regards the continuance of the custom itself, we have left every natural cause in operation that will lead to the extinction of the custom; and have moreover provided an artificial one, by means of which the landlord will be able to buy up the right, and thus release the estate from its operation. Having said this, let me now refer to the substitute which we provide where there is no Ulster custom. I have already stated that if you legalize the Ulster custom you must also legalize the others. Noble Lords opposite have complained that the scale of compensation which we have provided is extravagant and unreasonable. That, however, I altogether deny. If you will read the evidence taken upon this subject you will find that the tenant-right under the Ulster custom is valued at an average of about £10 per acre. I know, moreover, of one particular estate where the landlord was at great expense for improvements, where six years and a half rental—or within half-a-year of the maximum proposed in cases where the tenant has made all the improvements—was the rule of compensation to every tenant who was removed. Can it be said that that is exorbitant as compared with the Ulster custom? I maintain, with all confidence, that we have taken an eminently Conservative course in resting our Bill upon the great principle of legalizing the Ulster custom. I hold that it is both unwise and unsafe to introduce customs into countries of which they have had no former experience; it is better to legalize those customs which have arisen from the natural operation between man and man. The noble Earl who has just sat down (the Earl of Derby) complains of our increasing the scale of compensation as we go lower down. There is no concealing the fact that by doing this we are adopting a principle of what may be called eleemosynary compensation for poor people. But, besides that, it must be remembered that the principle is embodied in the existing law of Ireland. There is a statute which provides that in certain cases of evictions below £5, the expense of emigration of those evicted is thrown upon the county rates. That is a distinct recognition of the principle that, as regards the smaller class of tenancies, pecuniary compensation ought to be granted. As regards another point, I do not fear that our policy will lead to the consolidation of farms in Ireland; for, although it does not prevent such a course, it offers no temptation to the eviction of the smaller tenants. On the contrary, I believe that the general relations between landlords and tenants will continue as heretofore, and that consolidation will only occur as opportunity allows. One of the main objections which has been urged to the Bill is its interference with the liberty of contract. I wish to direct the attention of the House to the great difference in the operation of this Bill upon existing tenants and those who may become occupiers after the passing of the measure, for I admit that its operation will be very powerful as regards all existing tenants, as it will immediately place them on a higher level in dealing with their landlords. But as regards future tenancies, let me ask what is the extent to which the Bill will interfere with the freedom of contract? The noble Marquess opposite (the Marquess of Salisbury) said the other night that he believed the instances were becoming fewer and fewer in which Parliament interfered with the freedom of contract.

THE MARQUESS OF SALISBURY said, that the tendency was not to interfere except moral and social interests were involved.

THE DUKE OF ARGYLL: I quite agree that it is only where moral and social interests are concerned that Parliament is inclined to interfere. But can it be said that great social and political questions are not connected with the state of the land question in Ireland? Is not that the whole ground on which we propose to interfere? I am not arguing that Parliament ought to interfere with the freedom of contract. I quite admit that such interferences ought to be exceptional, and that the *onus probandi* rests upon those who propose such measures. But I venture to maintain that if we are to legislate upon the land of Ireland at all we must admit that there are great social and political considerations connected with the occupation of land in that country, which justify and call for exceptional legislation in respect to contract. Now, my Lords, what I want to ask is this—what is the extent to which we interfere with freedom of contract? There is no compulsion in this Bill compelling Irish landlords to convert tenancies-at-will into leaseholds. There is merely an indication of a particular lease, of which Parliament has approved; but there is no attempt to force it on landlords. And, my Lords, although I myself hold most strongly that a leasehold is the best form of agricultural tenure, because I have seen its happy effects in Scotland, yet I think it would be a great mistake to force leases on the Irish tenantry, who have never been accustomed to them, and who, in many cases, would feel as great and greater security under landlords to whom they have been used than under that lease. What the Bill does is simply to indicate a period of occupancy that will satisfy its provisions. My noble Friend on the Cross Benches (Earl Grey) has actually spoken as if the Bill interfered with the freedom of contract between man and man, and he said—"Look at Scotland, where you have the finest agriculture in the three kingdoms, with only 21 years' leases." What is the course I would take if I was an Irish landlord after the passing of this Bill, and I desired to give a 31 years' lease, or no lease at all? Suppose the man who wanted my farm replied to my inquiries as to what rent he would pay, that he would give me 25*s*. an acre. I should say—That would have been a fair rent last year; but an Act has been passed by the Legislature which will give you at the expiry of your tenancy a certain charge against me; the tenancy is, therefore, worth more to you than it would have been before, and therefore you must give me a somewhat higher rent for the advantages which will hereafter accompany that particular form of tenure. This would be no evasion of the Act. ["Oh, oh!"] I am speaking of no attempt to evade the clause, but simply of its natural and necessary operation. It is simply this—that a new value has been given to a particular kind of tenancy, and with that I may go into the market. And, therefore, I approve of what the noble Lord said, that one of the effects of this Bill would be to increase the rent in Ireland. If it produces peace in Ireland, there can be no question that it will raise the rent. But when it is said that in that case it would be as broad as it is long, you should remember the political effects.

The more economical objection may be brought against the Ulster custom. The tenant, no doubt, gets no more than he gave when he came in; but he goes away a contented man. It is not true to say that the mere discounting of these advantages in the terms of the lease will cause the law to have no effect on the tenantry of Ireland. If a man gets money when he goes away, even though he may have paid the money, he departs a contented and happy man compared to the sullen and mutinous man who has been evicted and gets nothing. I do not wish to weary the House; but I cannot refrain from alluding to certain passages in the speech of my noble Friend (the Earl of Derby), which I heard with great regret—those passages in which he stated that this Bill would put a premium on agitation in Ireland. It is all very well to say that every concession which you have made to Ireland has been a concession made to agitators and a premium on further agitation. But I confess I heard these sentences with great regret, considering what I myself heard from the illustrious father of the noble Earl, speaking on the same spot on which he spoke. It is now 25 years since the late Lord Derby in this House described the evils under which the occupiers of land in Ireland lay as "intolerable evils." I heard him, with my own ears, use this expression, and I have since verified them by looking up the speech. But with this acknowledgment—that the occupiers of land in Ireland were suffering under intolerable grievances—and adding to this that it is an unquestionable fact that Parliament has not removed them, I say, with all respect and admiration for my noble Friend, that it does not come well from the son of the late Lord Derby, who made that declaration in this House and never retracted it, to accuse the Government, which brings forward a Bill to remedy those grievances, with merely making concessions to the agitators of Ireland. And what is the meaning of this assertion, when from that Bench one noble Lord after another has risen in his place and admitted that there evils in Ireland which require to be remedied? Take that most monstrous of all evils—that for many generations the law has declared that all permanent improvements made on the land belonged to the landlord, in a country where the rule is that the improvements are not made by the landlord. ["No, no!"] Can I believe my ears when I hear that denial? What are the documents on which I rely for the statement I have made? My noble Friend talked about improvements as a mere screen for obtaining compensation, not for improvements, but for occupancy. Were the Devon Commissioners great agitators when they set up a claim of this kind? What did they consist of? Of landlords, and landlords only. They asserted that proposition which is now greeted with shouts of "No, no," in the most absolute manner. They said—

> "It is admitted on all hands that, according to the general practice in Ireland, the landlord builds neither dwelling-house nor farm offices, nor puts fences nor gates, &c., in order, whether he leases his land to a tenant or not. The cases in which the landlord does any of these things are the exception."

These are the words of the Devon Commission, and I must refuse to be met by an absolute negative, even from Irish landlords. I admit to those Irish landlords that, during the last 20 years, a practice has been growing up of dividing the outlay in certain proportions between the landlord and tenant. But this does not tell against, it makes in favour of our Bill. What is the law of England? It has been held that if in England a landlord lays out part of the money expended on improvements in conjunction with the tenant it is a proof of contract, and gives a tenant a stronger claim for reimbursement than if he laid out all the money himself; for in the one case he might lay it out without the landlord being cognizant of it, whereas the contribution made by the landlord clearly showed that these improvements must have been made with his knowledge and consent. Therefore, the principle of either giving the tenant compensation or granting him a term of occupancy sufficient to recoup him for his improvements, is strengthened rather than weakened by the practice which has grown up in Ireland during the last 20 years. How can you then say this is a premium on agitation, when the late Lord Derby and you yourselves have admitted that there are great wrongs to be remedied? We know that for many generations the rule has prevailed in Ireland that all the improvements belong to the landlord, although, to a very large extent, they could be proved to belong to the tenant. Conceive, then, what must be the effect of that contradiction between the law and the facts of the case. It would be bad enough if it had lasted a short time; but when the system has existed for many generations, when father and son have succeeded each other under it, and have effected almost all the improvements, I ask whether such men have not an irresistible claim to fair compensation—a claim as great, or greater, than if you had put in an English or Scotch farmer by free contract? One word with regard to the expectations I have had as to the operation of this measure. I agree entirely with the remark made by a noble Lord behind me, that neither from this Bill nor from the Bill which we passed last Session, have we any right to look for any magical change in the social or political condition of Ireland. The evils of Ireland have arisen from a long series of years of atrocious misgovernment. We have been endeavouring of recent years conscientiously to retrace our steps, and to remove the evils which our legislation has inflicted; but there is a Scotch proverb that "what is bred in the bone will never out of the flesh," and there will be a lapse of time, of longer or shorter duration, during which you will continue to inherit the evils which have come down to you from your ancestors. But I, for one, refuse to believe that there is anything either in the religion or in the race of Ireland which refuses to lend itself to such remedies as we are now proposing to apply. There are Catholic countries in the world with small occupiers who are a contented, a happy, and a loyal people; and there are Celtic races existing under conditions of tenure precisely like the Irish, who are also a perfectly contented, perfectly peaceful, and a perfectly loyal people. I deny that her religion or race condemns Ireland to the monstrous evils under which she has been suffering for so many years; and I have myself a full conviction that when the Irish people are convinced that Parliament are determined to act on equal principles and to acknowledge in Ireland customs which would have been acknowledged years ago in England, giving them the sanction and protection of law, you may laugh to scorn any agitation which might be raised for the repeal of the Union.

THE DUKE OF ABERCORN: My Lords, I wish to discuss this subject on its own merits and without any party spirit; I will not, therefore, follow the noble Duke (the Duke of Argyll) into the question which party it was that initiated retrospective legislation. I admit that a settlement of the land question in Ireland is absolutely necessary; but, while I fully admit that, I must say that the policy pursued by Her Majesty's Government, both previous to and since they came into Office, has been such as to make it a more difficult task than heretofore to satisfy the demands of reasonable men in Ireland. No doubt a Land Bill effecting considerable changes in tenure has become absolutely necessary, and I will proceed to consider the present proposal with the utmost impartiality. Among the main principles of the Bill there is one in which I entirely concur, and that is the principle of discouraging capricious and arbitrary evictions, of making them difficult and expensive, so that, without debarring a landlord from the free exercise of his just rights, it will make eviction what I may call an expensive luxury, not to be undertaken without due consideration and forethought; while you ensure for the tenant that he shall not be cast out unprovided on the world at the mere whim and caprice of his landlord. Looking to the circumstances of the Irish tenantry, to their want of capital, and to the comparative small outlay made by landlords—though of late years they have done much more than formerly, but still much less than is done in England and Scotland—I believe that this principle, if carried out with moderation and with wise and salutary regulations, will not disturb the security of property, though it may affect some of those abstract rights of which, in many cases, the breach is better than the observance. I concur, then, in this principle, because it is one upon which every just and generous landlord acts in the management of his estate, and because it will prevent a harsh landlord from exercising a power which a humane man would shrink from employing; but while concurring in the main principle of the Bill, I believe that the machinery by which it is proposed to be carried out is in many respects objectionable, will, in some cases, fail to bring about a satisfactory conclusion, and in others will lead to disputes and litigation between landlord and tenant; and I am therefore of opinion that many alterations may be introduced into the Bill with advantage. I will divide the consideration of the Bill into two heads—the first, which proposes to legalize the Ulster custom, and the second, which deals with the compensation to be awarded to tenants in the other Provinces of Ireland outside of Ulster. By the Ulster tenant custom I mean that which exists by the mutual consent of landlord and tenant. I have some experience of Ulster tenant-right, and I must say that though in theory it is contrary to all economical principles and commercial maxims, yet in practice it has been the means, if not of creating, yet of assisting to create a race of tenants exceptionally industrious, loyal, and well-conditioned. I cannot agree, however, with the noble Duke (the Duke of Argyll) that a Bill based on the Ulster customs can be introduced with advantage into other parts of Ireland. There are conditions peculiar to Ulster, and to Ulster tenants, to which the success of the Ulster tenant-right may be in a great degree attributed, and which are wanting in other parts of Ireland. In Ulster there is a race of occupiers generally of the same faith as their landlords, thrifty, industrious, self-denying to a remarkable extent—and there is also another important item in the success of the institution—namely, that the farms are small, averaging from £12 to £60 yearly value, farms of £100 and upwards being comparatively rare. From all these conditions it can be seen how it becomes possible for an incoming tenant who has to pay £300 or £400 for the goodwill, and has denuded himself of a great part of his capital, to become by thrifty industry and self-denial a prosperous and even wealthy man. I am not, therefore, inclined to dissent from legalizing the Ulster custom in a moderate form on estates where it has been allowed. But whatever advantages the Ulster custom may have produced in its relations between landlord and tenant, there is one which I must warn your Lordships not to expect from it — and that is highly improved and scientific farming. So far from that being the tendency of Ulster tenant-right, I consider that its tendency leads to a low and comparatively inferior mode of cultivation. But if in Ulster you cannot have those magnificently cultivated lands described by the noble Duke, with all their display of extensive improvements and scientific agriculture, or those countless herds of cattle which may be seen in countries where the holdings are larger and more wealthy than they by possibility can be under the Ulster custom. You have, as I have already stated, an exceptionally thrifty, loyal, and industrious race, who live in great comfort, are imbued with feelings of the strongest attachment to the Throne, and are on the most friendly relations with their landlords and with their neighbours. Looking, therefore, to these results of the Ulster tenant-right, I cannot dissent from its legalization in a moderate and rational form. Now, as regards the question of compensation, though I am prepared to admit that the principle of compensation ought to be applied to the South as well as to the North of Ireland, I see great difficulties in the equitable application of the principle. There are certain peculiarities connected with the Ulster tenant-right which do not apply in the South of Ireland. In the South of Ireland the tenants do not share the faith of their landlords; the farms are, as a rule, much larger, and the tenants are not so energetic and thrifty. In establishing, therefore, in the South of Ireland a new system, which is said to be based upon the Ulster tenant-right, it will, I think, require very careful legislation to reconcile the difference that exists between the North and South of Ireland. There is no doubt whatever that the compensation made under this Bill by the landlord to the out-going tenant will ultimately have to be paid by the in-coming tenant either in the shape of tenant-right, as was the case in Ulster, in the shape of increased rent, or in the shape of percentage on the amount expended by the landlord. It is very desirable, therefore, that Parliament should not, in a moment of impulsive generosity to the present occupiers of the soil, lay too heavy a burden on those who are to become the future occupiers. The question of compensation is one, therefore, which, in the interests of future tenants, quite as much as in that of the landlord, should be dealt with carefully, and depends for its success upon our fixing upon a moderate and reasonable amount, as well as upon the mode in which it is to be given. I am willing that compensation should be given in the South as well as in the North of Ireland, because I think it right that every tenant in Ireland should have, and should feel, a reasonable amount of security in the continuance of his holding; but I cannot help thinking that the provisions inserted with this object in the Bill will lead to litigation and expense to the tenants, as well as injury and annoyance to the landlords. As provided by the Bill, the tenant can claim compensation for disturbance, for tenant-right paid by himself, and for undefined improvements; the landlord can make a counter claim for rent, breach of covenant, deficient cultivation, and for improvements made by himself. As, however, the right of free contract is debarred both parties by the Bill, litigation, with all its attendant delay and uncertainty, will be forced upon them. I will now say a few words upon the effect this Bill is likely to have in Ireland, and upon the influence it may have on the future improvement and advantage of the country. Upon this point I am by no means so sanguine as is the noble Duke who has just sat down. We have been told for more than 18 months, when the Bill for the disestablishment of the Irish Church was before the House, that the Land Bill was to be a healing panacea for the wrongs of Ireland, the means of bringing an influx of much capital into the country, a means of improving the agriculture and increasing the happiness of the people of Ireland. I am sanguine on none of these points. I believe that the Bill will give a temporary and partial contentment to the present occupiers of the soil, but that it will place those in the class below the occupiers in a worse and in a more dependent position than that which they now occupy. As regards the great influx of capital and the great improvements to agriculture, I believe that the Bill will cause little or no difference in those parts of Ireland where a tenant-right already exists; and I believe that in the South of Ireland the tendency will be rather to induce the farmers who possess surplus capital to buy the goodwill of fresh holdings, either from the tenant or from the landlord, than to invest it, as they have hitherto done, in the improvement of the soil. But the position in which the Bill will place the agricultural population of Ireland—a class even more numerous than the occupiers—has, I think, been overlooked by the authors of the measure. Mr. Gladstone and his followers, in the furtherance of this Bill, have urged as a necessity for this Bill the entire dependence of the Irish people on agriculture for their support. No doubt this Bill will considerably improve the condition of the occupiers of the soil; but, while it leaves the agricultural labourer precisely where he was, the worst housed and the worst fed of the labouring population of Europe, its probable ultimate effect will be to consign him to a more permanent state of poverty and dependence. It requires little knowledge of Ireland to see that, by giving a certain prominence to the 600,000 holdings already located on the soil, the greatest part of which are unable to give proper wages and houses to their labourers, that you are consigning, in an equal degree, the labouring population to a permanent state of dependence and penury. I therefore look upon the Bill in that respect with great apprehension; because I fear that, if the Bill brings contentment and satisfaction to the occupiers of the soil, it will leave the labouring population in more hopeless dependence than they are now. Such was the condition of the labouring population of Ulster a quarter of a century since, and such, I fear, will be the effect of this Bill in the South of Ireland. Looking, however, to the principle on which the Bill is founded—a principle in which I concur, though I object to many of the details—I shall give my assent to the second reading, in the belief that what is wrong in the details may be rectified in Committee; and, whatever may be the nature of the measure ultimately passed by your Lordships, it is my earnest wish, as it is, no doubt, that of all your Lordships, that the measure, when passed into law, shall be one calculated to promote the happiness, security, and comfort of the people of Ireland.

LORD LURGAN moved the adjournment of the debate.

Further debate on the said Motion adjourned 'till *To-morrow*.

House adjourned at a quarter past Twelve o'clock, A.M., 'till To-morrow, half past Ten o'clock.

# HOUSE OF COMMONS,

*Thursday*, 16*th June*, 1870.

MINUTES.]—New Member Sworn—William Unwin Heygate, esquire, *for* Leicester County (Southern Division).

Select Committee — Railway Companies, Mr. James Lowther *discharged*, Mr. Rowland Winn *added*.

Public Bills—*Ordered—First Reading*—Trust Funds Investment * [168]; Rents and Periodical Payments * [169]; Local Government Supplemental (No. 2)* [171]; Processions (Ireland) * [170]; Absconding Debtors* [172].

*Second Reading*— Extradition [138]; Local Government Supplemental * [153]; Dividends and Stock * [158]; Sligo and Cashel Disfranchisement [139]; Larceny Advertisements * [159]; Salmon Acts Amendment * [163].

*Committee* — *Report* — Elementary Education [33-167].

*Considered as amended*— Customs and Inland Revenue [156]; Stamp Duty on Leases * [161].

*Third Reading*—Protection of Inventions * [157]; Magistrates in Populous Places (Scotland) * [121], and *passed*.

## WOMEN ON EDUCATIONAL BOARDS.

### QUESTION.

Mr. P. A. TAYLOR said, he wished to ask the Vice President of the Committee of Council on Education, Whether by the use of the words "he" and "his" in the Clauses of the Elementary Education Bill relating to Local Boards, he intends to exclude women from sitting on such Boards?

Mr. W. E. FORSTER, in reply, said, he had to state that the words "he" and "his" were not used with the view of excluding women from the local Boards of Education, but because the use of those words was the best way to include them. ["Hear!" *and a laugh.*] He was not at all surprised at hon. Members laughing; but the reason why "he" meant "she" in this case was that Lord Brougham's Act, the 13 & 14 *Vict.* c. 21, enacted that in all Acts words importing the masculine gender should be taken to include and mean the feminine gender, unless the contrary was specifically declared. So far from being anxious to exclude women from these Boards, he looked forward to their assistance in some cases being most valuable.

## CASE OF DANIEL MATHIEU, B.A.

### QUESTION.

Colonel EDWARDES said, he would beg to ask the Secretary of State for the Home Department, If his attention has been directed to letters that appeared in "The Times" on June 3rd and June 11th, signed "Daniel Mathieu, B.A.;" and, whether a strict investigation has been made into the conduct of the police who wrongly apprehended Mr. Mathieu, also into the truth or otherwise of the statements made in those letters; and, if he has any objection to state the result of such investigation?

Mr. BRUCE: In reply, Sir, to the Question of the hon. and gallant Member, I have to state that my attention has been directed to those letters, which appeared in *The Times*, and that a strict investigation was immediately made into the circumstances of the case and into the conduct of the officers who had been implicated by the charges contained in those letters. The facts of the case, as far as I have been able to ascertain them, are these—On Saturday, the 3rd of June, there was a large assembly of people in the Parade behind the Horse Guards to witness a review. Some detectives, in plain clothes, were stationed there to watch for pickpockets. One of these detectives saw a person whose conduct he deemed suspicious, whom he followed for some time; but at length, believing that the person in question had discovered his object, he spoke to two other detectives, also in plain clothes, and informed them of his suspicions. The result of the observations of the two detectives was to satisfy them that on more than one occasion the person whom they were watching had attempted to pick the pockets of some women, whereupon they took him into custody, and conveyed him at once to the police court, where, owing to the case of Boulton and Park being heard, it was impossible that his case could be disposed of that night. The prisoner was then conveyed to the Bow Street Station, where he was asked to give his name and address. He absolutely refused to give his residence, but gave what eventually turned out to be a wrong name. However, in the course of the evening he did state where his residence was, and the next—Sunday—morning the police of their own accord went to his residence to make inquiries with reference to his position and employment, when they saw his wife, to whom they communicated what had occurred. At 12 o'clock on that Sunday morning his wife came to see him, and he then, for the first time, applied for a message to be sent to his friends, which request would have been immediately complied with had it not been that the presence of his wife made it unnecessary. I regret exceedingly that this long delay occurred; but it was the opinion of the magistrate, before whom the case was heard, as well as of the Commissioners of Police, that these men, who had been selected to perform the duties of detectives in consequence of their previous good character and trustworthiness, had only been performing their duty in the course they had pursued. The magistrate dismissed the case with a warning to the defendant, and stated that the detectives had only done their duty. Therefore, although it is quite possible—and I hope that such is the case—that they were mistaken in their suspicions, I cannot come to the conclusion, in the face of the opinion entertained by the magistrate and by the Commissioners of Police, that these men were acting otherwise than in the discharge of their duty, and that they have done anything to call for punishment or for dismissal.

## PALACE OF WESTMINSTER—SEATS IN THE CENTRAL HALL.—QUESTION.

MR. STACPOOLE said, he wished to ask the First Commissioner of Works, If it be his intention to provide seats in the Central Hall for the accommodation of the public now excluded from the Lobby; if it be true that the Hereditary Lord Great Chamberlain of England has opposed the placing of the seats in the Central Hall, promised to be placed there last Session; and, if so, under what Statute or Charter has the Hereditary Lord Great Chamberlain of England any control over the Central Hall or other part of this building?

MR. AYRTON, in reply, said, in consequence of the promise stated to have been given by his Predecessor in Office, in reference to providing seats for strangers in the Central Hall, he made an application to the Lord Great Chamberlain on the subject. After giving the matter due consideration, the Lord Great Chamberlain said he thought that if seats were put up in the Central Hall they would become the resort of idlers and loungers, who would take possession of them; and, therefore, he thought it inexpedient to give permission for their erection. The authority of the Lord Great Chamberlain was understood to extend to all parts of the Houses of Parliament that were not appropriated by either of the Houses to special purposes.

## TURKEY—EMBASSY HOUSE AT CONSTANTINOPLE.—QUESTION.

MR. RYLANDS said, he wished to ask the Secretary to the Treasury, Whether, in the event of the rebuilding of the Embassy House at Constantinople being determined upon, he will lay upon the Table of the House the estimates of the work proposed to be done before any contracts for the same are entered into or sanctioned by the Treasury?

MR. STANSFELD, in reply, said, that no contract would be entered into for rebuilding the Embassy House at Constantinople until an estimate of the cost had been laid before the House. Of course, any estimate laid upon the Table of the House during the present Session must, of necessity, be a rough one.

## CASE OF MR. M'LEAVY BROWN.

### QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Mr. M'Leavy Brown, ex Chinese Secretary to the Legation at Pekin, and Private Secretary to the British Minister, and now in charge of the Chinese Embassy to Europe, resigned his office or is still in the service of the British Government; and, if so, whether on the return of the Chinese Embassy to Pekin he will be permitted to resume his place in the British Service?

MR. OTWAY replied, that Mr. Brown, on being appointed Secretary to the Embassy of Mr. Burlinghame, offered his resignation to Sir Rutherford Alcock, who declined to accept it, leaving the matter to be settled by the Secretary of State. Sir Rutherford Alcock, however, granted him leave of absence for a certain time. The Secretary of State approved of this proceeding, and ultimately Mr. Brown was informed that, without prejudice to his position in the British Mission, and, of course, without pay, he might remain with the Chinese Embassy until such time as the Secretary of State should feel it necessary to call on him to resume his duties.

### IRELAND—TROOPS IN THE TIPPERARY WORKHOUSE.—QUESTION.

MR. HERON said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government to comply with the request of the Board of Guardians of the Tipperary Union and to remove from the workhouse of Tipperary the Troops now stationed there for more than three years, the continual occupation of the workhouse by the Military being, in the opinion of the Board of Guardians, injurious to the health of the inmates from overcrowding, and prejudicial to the discipline of the establishment; whether it is the intention of the authorities to provide other suitable accommodation for the Troops, and build a barrack, as suggested by the Resolution of the Board, dated December 14, 1869; and, whether there is any objection to lay before the House Copy of the Correspondence which passed between the Chairman of the Board and the Military or other authorities on the subject?

MR. CHICHESTER FORTESCUE said, he must admit that the Guardians of the Tipperary Union had some reason to complain of the continuance of the troops in the workhouse; but the preservation of the peace of the country required them to make a sacrifice to that extent. He was not able to say when those troops would be withdrawn, nor whether it would be considered necessary to build a barrack there. He should have no objection to produce the whole of the Correspondence on the subject.

### PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTION.

MR. HIBBERT said, he would beg to ask the First Lord of the Treasury, Whether, with a view of economizing the time of the House and accelerating Public Business, it would not be desirable to arrange for the commencement of the regular business of the day at a quarter past Four o'clock on those days upon which the House meets at a quarter before Four?

MR. GLADSTONE, in reply, said, he had made inquiry of the highest authorities upon the subject, and was informed that the state of Private Business would enable them to commence Public Business at a quarter past 4.

### CASE OF MR. LEONARD EDMUNDS. QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask the First Lord of the Treasury, On what ground and under what authority Mr. Leonard Edmunds has been arrested and is now confined in Whitecross Street Prison, the Act 32 and 33 Vic., c. 62, declaring—

> "That no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money?"

MR. GLADSTONE: The ground, Sir, upon which Mr. Leonard Edmunds has been taken is his debt to the Crown of the sum of £7,904; and the authority on which he has been taken is the authority of the law, which has not been altered in respect to Crown debts by any recent legislation. The hon. and gallant Member, I apprehend, proceeds upon the assumption that the Act for the Abolition of Imprisonment for Debt affects Crown debtors; but we are advised that this is not the case, and that writs have been issued in consequence of the non-payment of Queen's taxes; so that Mr. Edmunds has been subject to the same treatment as any other debtor to the Crown. I am informed that Mr. Edmunds calls in question the legality of the arrest, and he has applied to a Judge for his discharge; the point will, therefore, be immediately determined. Under these circumstances, it would not be desirable to notice the subject further at present.

### GREECE—MURDER OF BRITISH SUBJECTS.—QUESTION.

MR. EASTWICK said, he wished to ask the Under Secretary of State for Foreign Affairs, If he will explain how it happened that Mr. Erskine was left for some time without the aid of any Secretary of Legation during late events in Greece; how soon after the capture of Mr. Herbert was known Mr. Watson started for Athens from Constantinople; and, what measures were taken by the Turkish Authorities to prevent Takos

Arvaniki from escaping into Turkish Territory?

MR. OTWAY said, in reply, that the staff of the Legation at Athens consisted at the commencement of this year of Mr. Gould, the first Secretary; Mr. Smijth, the second Secretary of Legation; and the late Mr. Herbert, whose death had been so much lamented. Some time before the occurrence of the massacre Mr. Gould was promoted, and his place was to be supplied by Mr. Watson, one of the Secretaries at Constantinople; but Mr. Watson's presence was considered necessary at Constantinople to wind up the quarter's accounts, and hand them over to his successor. This delayed his departure by the steamer of the 13th to the steamer of the 16th of April, and Mr. Erskine was therefore deprived of Mr. Watson's services until the 18th of April. It was thought very undesirable that the Embassy at Constantinople should be left without a Secretary, and as the very serious character of the events at Athens was not appreciated from the first report that reached Constantinople, the departure of Mr. Watson was delayed for three days. With regard to the second part of the Question of his hon. Friend, he observed that immediately the Turkish authorities were informed of what had occurred in Greece they gave orders that the frontier should be very strictly watched; orders were given for the capture of the brigands if found on Turkish territory, and immediately Mr. Erskine reported that they had crossed the frontier orders were sent for the pursuit and capture of Takos Arvaniki and his band.

## ARMY—CORNET AND ENSIGN.

### QUESTION.

MAJOR DICKSON said, he would beg to ask the Secretary of State for War, Whether it is his intention to abolish the rank of Cornet and Ensign, notwithstanding the promise made to the House on March 14th that this should not be done pending the Report of the Royal Commission now sitting to consider the Purchase System; and, if this is not intended, why the Circular, dated May 25th, 1870, fixing the Establishment of Subalterns of Infantry Regiments at fourteen Lieutenants and no Ensigns, has been addressed to Officers commanding Regiments?

MR. CARDWELL, in reply, said, he had not the smallest intention of departing from the declaration made by him on the 14th of March.

## ELEMENTARY EDUCATION BILL.

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

[BILL 33.] COMMITTEE.

Order for Committee read.

MR. GLADSTONE: Mr. Speaker—I rise for the purpose of moving that you, Sir, should leave the Chair, and that the House should go into Committee on the Elementary Education Bill. I venture to assure my hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) that if the Notice which he has placed on the Paper had stood alone, and had constituted the solitary point to be decided as between him and the Bill of the Government, I should not have thought of interposing at this moment, but should have waited respectfully till he had made his statement before giving any opinion on the subject. But such is not the case, and the natural interest, warming into eagerness, which the House and the country feel with reference to the measure, has caused the Notice Paper to be charged and loaded with a number of Motions, all of which express alternative and different methods of proceeding with regard to questions bearing upon religion, but all of which it is not possible, according to the forms of the House, to bring under consideration upon equal terms. It has, therefore, appeared to the Government that it would be for the convenience of the House if, before a Motion was made by way of proposing a substitute for the Motion that the Speaker do leave the Chair, we should declare our general views and intentions with regard to these very important portions of the Bill. I shall not now refer to other portions of the Bill, which are also of immense importance, but which, with the exception of my hon. and learned Friend's second Resolution—and that could not be put on the present occasion—do not enter into the matter immediately before us. I shall confine myself generally to that field of discussion which is embraced in the first Resolution of my hon. and learned Friend, in the Amendment of my right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple), and the Amendment of my hon. Friend the Member for Merthyr Tydvil (Mr. Richard), as well as that of my hon. Friend the Member for Hackney (Mr. Reed). The Government have thought it their duty to reserve to themselves the advantage of consideration for as long a time as was accorded them by the interval between the second reading and the Committee on this Bill—because every day which has passed has multiplied the expression of the opinion and the feeling of the country—and all these manifestations add something to the materials upon which we have to legislate. It is quite true that expressions of opinion and feeling may still be declared to be very incomplete. There are very large and powerful bodies of great influence in this country who cannot be overlooked in legislating on such a question as elementary education, and which, up to the present time, have made but very partial expressions of their views. But though it is the duty of the Government at the proper time to take its part, and not to shrink from its part in considering how to settle the question, we concluded we had better wait till the Bill was about to go into Committee, and then frankly explain the view we take on the matters principally in dispute, so as to lay before the House at once the terms and the mode on which we hope it may be possible to legislate on this great subject during the present Session. It must be borne in mind that there are many parties and sections of parties in Parliament and in the country who may be strong enough to postpone or prevent legislation; but that nothing except a general disposition to make sacrifices of cherished preferences, for the purpose of arriving at a common result, can enable us successfully to go through a work so difficult as that before us, but which, difficult as it is, we feel ourselves pledged to in honour and in character, and likewise by that greatest of all obligations which binds us to consult in everything the highest welfare of the country. With regard to the Motion of my hon. and learned Friend (Mr. V. Harcourt), which is the only Motion which can be brought directly to issue on the present occasion, the Government are not able to accede to it. They feel that it is very easy, without its being necessary for me to anticipate the general argument of my hon. and learned Friend, to state in a few words the reasons why we cannot become responsible for the Motion. It appears to me that if we were to adopt such a proposition, the very first challenge that would be addressed to us would be to explain its terms. And I am bound to say, without in any way fettering my hon. and learned Friend, that that is a challenge which we should be totally unable to meet. We do not know what, in the language of the law, "undenominational" and "sectarian" instruction mean. We know perfectly well that practical judgment and the spirit of Christianity, combined with common sense, may succeed, and does succeed in a vast number of cases—probably in the enormous majority of cases—in averting the thorny paths of controversy in the work of communicating religious instruction to children. But the whole essence of that process lies in its voluntary character. If you lay down rules, you must provide those who administer the law with the means of compulsion. You must do one of two things—either constitute a new religious code by the authority of Parliament, by a process of excision or amputation, or you must do that which appears to me to be more objectionable, though perhaps not quite so difficult—you must set up, as seems to be the fashion "elsewhere," a living authority which, with the sanction and in the name of Parliament, will from time to time, when appealed to, draw the lines and definitions of Divine truth on behalf of the children. Now, we are not prepared to enter into this thorny and tangled wilderness, at least until some one shall have been successful in cutting out paths through its wastes such as we have been wholly unable to discern. Passing on from the particular methods of meeting the difficulties of the case, I would wish to remind the House succinctly of the general scope of the Bill, which forms as it does the starting-point from which we have to measure the modifications which have been, or are now proposed to be, made in its provisions. Leaving out of consideration the reasons which governed the Administration in the preparation and introduction of this measure, we have now arrived at a time when religious differences ought, we think, no longer to stand in the way of conferring upon the nation a great and essential public good. It was, therefore, our desire to present to Parliament a scheme which should aim at making elementary education universal in an efficient form throughout the country. It was in our view essential to the success of this measure that so far as the funds of the State—and I use the term now in the narrow sense of that which proceeds from the Imperial Treasury—that so far as the funds of the State were concerned, they should be applied only for secular results. The machinery of voluntary schools we found not only existing in this country, but overspreading it to an immense extent; and on every ground, whether of that which is due to the promoters of those schools, to their benevolent and self-denying labours and the success which they have obtained, or, whether on the ground of that which is due to the purpose which we have in view, and its effectual, speedy, uniform, and economical attainment, we adopted this principle also as a fundamental principle of this Bill, that we would frankly and without jealousy endeavour to employ the machinery of voluntary schools, as far as it was available, in aid of our object. But, feeling that that large deficiency which is now observable in the country could not be made up by means of voluntary schools alone, we proposed to fall back on the principle of rating, and to make use of it by way of supplementing the gap which we saw before us. Of that machinery we proposed to make use under the authority of local Boards. These were to be appointed by a free popular election. They were to be, in a substantial and genuine sense, the representatives of the parents of the children who were to receive education at their hands. We looked upon them as the most natural champions and representatives of these young creatures. We, therefore, proceeded without hesitation on the principle of placing a large, though not an entirely unlimited, discretion in the hands of those local Boards. They were, indeed, to be bound, in our view, to grant in every case effectual provision and of a generous character, but subject to the sole condition that they were to be free to introduce schools of a strictly secular character, and of carrying it to the extreme; or, on the other hand, of introducing such shades, such degrees, and such development of religious teaching as they might, in their judgment, find best suited to the wants of the particular districts which they happened to represent. Besides this function of these local Boards, they had, under the Bill as it stands, another most important function to perform—namely, that of giving or refusing aid, as they might think fit, to what I should call the voluntary schools of a district, subject only to the condition that, in order to check the action of undue religious prejudice, they must give to all or none, and might not make a selection between them. That, I think, combined with the circumstance that the Bill exhibited no preference for any one religious body in the country, but aimed at aiding all benevolent and useful exertions, is a fair outline of the Bill as explained upon its introduction in his able speech by my right hon. Friend the Vice President of the Council. The Bill, however, has been sufficiently long before the country to enable the House to understand the considerations which have been pressed on the minds of the Government, and the degree of weight which they attach to those considerations I shall lay before the House in the statement which I am now about to make. We see nothing to be ashamed of in the outline of the Bill as I have described it. We should have deemed nothing more to have been necessary in order to make it work efficiently than some amendments in its details without any modification in its principles. Nor do I now think it is our duty to modify what I should call the principles of the measure; but undoubtedly one of the moving springs of the Bill is local discretion, which, although I do not call it a vital principle, yet it is undoubtedly associated with its objects, and is a matter of the utmost importance and consequence with reference to the question how far the sphere of that discretion extends, and to what extent it should undergo contraction. On this subject we have carefully observed the manifestations of opinion throughout the country, and I own that our anticipations and hopes with reference to it have not been altogether fulfilled. We found that throughout the country, in many of the greatest centres of population, thought, and activity, the utmost apprehension prevails with respect to the extent of the sphere which we have assigned to the free judgment of the local Boards. I am not ashamed to say we have watched carefully, with a desire to observe correctly, and to possess information as to the actual state of public feeling on the subject, because the state and feeling of public feeling must necessarily enter largely in the motives which weigh with the Government in introducing a measure of this kind with the hope and desire of seeing it carried into a law. Looking specifically to the objects of the Bill, I think I may say that there are three principal points which have reference to the question of religious feeling. It is, in the first place, urged that the Conscience Clause gives insufficient protection. In the second place, comes the objection which is so strongly urged by the Nonconformists in this country that it is not right, as some go so far as to contend, that any funds which proceed from taxation, whether general or local, should be made applicable to purposes of religious instruction; others, while not going quite so far, maintaining that the funds of the entire community, whether general or local, ought not to be made so applicable in cases where either many or some persons might disapprove such application, and feel that it constituted a grievance. The third objection, and, perhaps, the weightiest, is that the free choice which we propose to give local Boards would create discord in those Boards, and the announcement that such discord would be likely to arise is to us a very great obstacle, because the prediction is one which is likely to fulfil itself. If the prevailing opinion among the communities who are to elect these Boards prognosticates animosity and contention as the result of a measure entitling them to discuss and settle many questions bearing on religion with the great breadth of free discretion, and if then you still proceed to force such Boards, with such constitutions and such powers, upon these districts, we may be pretty sure that we are going the way to defeat the beneficial action of our own measure, because it will be felt that the action of this measure cannot be efficacious, nor, in a larger sense, widely beneficial, unless it also be pacific and satisfactory to the public sense and opinion of local communities. This last and greatest objection turns, of course, upon two points—first, that we propose an unlimited discretion with regard to religious teaching in the rate-founded schools, limited by no condition except that of the Conscience Clause; and, secondly, that, with respect to the voluntary schools outside the circle of those founded upon the rate, we refer it wholly to the discretion of the local Boards to give or to withhold aid from those schools. And now as to the mode in which we propose to treat these objections. In the first place, as regards the insufficiency of the Conscience Clause, that, I hope, in principle we have adequately met by the addition of the time table. Leaving it to my right hon. Friend to enter upon the discussion of any questions that may arise upon the particular form of the enactment, I may say that the time table Clause which we propose has its origin in our admission of the necessity that something of that kind is required to give working efficacy to the principle of the Conscience Clause. The very best Conscience Clause that can be devised in terms may be, to a great extent, neutralized, where there is a disposition to neutralize it, unless it be also further guarded by some conditions as to time. We therefore propose a time table Conscience Clause, founded upon the double principle of an entire freedom, so far as the interposition of the clause goes, in the matter of religious instruction—although the time for that instruction must necessarily be circumscribed—and an entire freedom on the part of the parents corresponding with the freedom of the teacher to teach. Then we come to the second objection—that, namely, to the levying of public funds from public taxation of any kind for purposes of religious instruction, or to the overlooking of the scruples of a minority in respect of the application of these funds for such a purpose. And here it cannot but be observed that the situation is a very peculiar one. On the one hand, there is a very strong and vivid opinion among a large and active part of the community, that the safe course in a matter of national education is to limit the application of public funds to secular instruction. That is the principle upon which our Privy Council system has always been founded; because, although it may be said that you have deviated from the rigour of that system in permitting inspection with regard to religious results, yet it has been always seen that the amount of public aid has left a large void to be supplied by private benevolence, and this it is which supplies the means of religious instruction. I apprehend it is perfectly clear that if education throughout the country had been, or were to become, a matter of secular instruction only, the sources of private benevolence would at once be dried up, not from any want of appreciation of secular instruction or aversion to it, but because it would be said that that was a matter with which public authority was quite competent to deal, and if the instruction were only secular, voluntary contributions would entirely disappear. It is now proposed by some that we should meet this objection by limiting the application of the public rate to secular instruction alone, and there is no doubt that that is the logical result of the particular objection I have mentioned. Nor do I refer to that logical result with any horror, because I do not think that by itself it implies the slightest disrespect to religious teaching, or any wish to prevent or obstruct such teaching. I think it is compatible not, indeed, with the finding of the means of religious teaching from public sources, but with every freedom and facility, outside the actual application of the rate for giving religious teaching to those who are the subjects of secular instruction from the rate, and even in such near conjunction with the secular instruction that, practically, no inconvenience need be felt, and no separation need be preserved. But, however logical this conclusion, I am bound to say—pronouncing upon it a most impartial judgment, and endeavouring to come to the consideration of the question with a perfect integrity of purpose, and with that abnegation of mere personal preferences which I have presumed to recommend to others as the only solution of our difficulties, I do not think this conclusion would be agreeable to the general prevailing sense of the country. It is true that the country has a right to expect, if it chooses, that its Parliament should be logical, while there is no corresponding right on the part of Parliament with regard to the country. If I may presume to criticize its proceedings, the country has been far from logical upon the subject of education, for multitudes of those who have felt the expediency of limiting the rate to purposes strictly secular, and the difficulty of discovering another course, yet have felt such a reluctance, and have combined with other bodies of people in showing such reluctance, to the severance of religious instruction by public authority from other instruction, that they have proposed a variety of plans which it is perhaps difficult to reconcile with the strictest rules of consistency, but which nevertheless indicate the strong and, I believe, the decided prevailing sense of the English nation. Some have given effect to this feeling by recommending that the local Board should have a discretion to introduce the reading of the Holy Scriptures into the schools, but to do nothing else; and I observe that there are those who are so oppressed with the difficulty between their rigid, abstract, voluntary principles and their desire to give religious colour to education, that they maintain, and I think very perilously maintain, that the reading of the Bible is not a religious but a secular exercise. Now, I do not speak with any disrespect or contempt of the reading of the Bible. A reverent reading of the Bible may be a most valuable thing; but I cannot agree with those who think that, if it is done in the manner in which it ought to be done, it is to be regarded as a secular exercise. I only refer to this as indicating the difficulties which people have felt in resolving the problems attending this question. Some, going a little farther, have said that we might do what was done in Ireland—endeavour to form a body of extracts from the Bible, and allow instruction to be given from that volume of extracts. I will not dwell upon that proposal, because it has not attracted much attention or support, and although that plan was attempted in Ireland with the best possible intentions and the greatest authority to start it on its way, it cannot be said to have succeeded in that country, because, practically, Scriptural extracts, though originally read as well as the Bible, have passed out of use in the National Schools of Ireland. Then came the plan of Bible reading, with a faculty for expounding the Bible, limited by terms such as those which my hon. and learned Friend (Mr. Vernon Harcourt) proposes we should use, and as to which I have briefly stated the reasons why we could not adopt this proposition. Last comes the proposition placed on the Paper in the name of my right hon. Friend (Mr. Cowper-Temple), who, if it were in his power to do so by the forms fof the House, would confine the scope of the Amendment to rate-founded schools, shutting out the rate-aided schools, and who invites us to leave out all the words after "schools" in the Amendment, for the purpose of inserting the words—

> "Hereafter established by means of local rates, no catechism or religious formulary which is distinctive of any particular denomination shall be taught."

My right hon. Friend, I suppose, like others, has felt how desirable it was, on the one hand, to make those schools widely and, if possible, universally accessible—at least not to frighten from their door, by the ostentatious exhibition of any peculiar symbol, those who might otherwise be disposed to enter—and, on the other hand, to maintain in its essence and in its substance the power of a religious education, without attempting any of those interferences with the mode of handling Scripture, no practicable mode of effecting which has yet been discussed or suggested. All the projects which I have thus briefly enumerated are projects proposed to be introduced into the Bill as modes of limiting the discretion of the local Boards. Nobody has proposed to take away that discretion absolutely and entirely—I mean with regard to rate-founded schools. It is free to the local Board at this moment by the Bill to found schools perfectly secular; but no one I think has said—"Tell the Board to confine itself to schools absolutely secular." What is a school absolutely secular? Not one which merely compels the application of the rate to secular instruction; but one which shuts the doors of the school-house and withholds the aid of the schoolmaster from any religious instruction within the walls of the school building at any time whatever. I want to point out how essential it is to proceed in this measure not by endeavouring to give effect to any abstract and inflexible opinion, but to allow conflicting considerations to meet and equitably to modify one another. I beg those who have objected so much, and to some extent fairly, to the unlimited discretion of local Boards with respect to religion, to observe that it is impossible absolutely to get rid of that discretion, for even supposing we adopted the Motion of my hon. Friend the Member for Merthyr Tydvil (Mr. Richard), there would still remain the question—which might become a question of religious discord, whether religious teaching was to be permitted in the school building at times other than the school hours fixed for secular instruction, and whether, if given at all, it might or might not be given by the master, he acting as the servant of the Board, on the application of the parent. Therefore, I take it for granted, we cannot wholly get rid of this discretion of the local Boards, and the real question is, what limitation it is desirable to impose upon them? I must remind the right hon. Member for South Hampshire that, by the adoption of his Amendment, we should very greatly narrow the field of religious contention, and at the same time allow religious instruction to be introduced into the schools. It would still remain open—as I think it ought to remain open—to the local Boards to confine the rate to secular instruction. Accepting that which undoubtedly appears to be the general desire, I will assume that religious instruction should not be excluded from schools, even during school hours, taken in the strictest sense of the term; and if a plan is to be adopted to carry out that object, I believe this is one which is perfectly practicable, which to a large portion of the community would be highly acceptable, and which, to all those to whom it was not absolutely acceptable, would yet be much less unacceptable than any other that could be adopted. We think, therefore, upon the whole, that the proposal of my right hon. Friend is one which in substance we ought to adopt and incorporate in the Bill. We think it is the best mode in which we can recognize the prevailing and very general desire and conviction of the people for including religion in the career of education within rate-founded schools, and that it is the most equitable manner in which, while imposing a certain limitation upon the discretion of local Boards, we can, on the one hand, bring together the conflicting opinions of various parties, and, on the other, if not wholly get rid of what may be called denominational controversies, yet in a very great degree abate their acrimony and diminish their range, besides, in a large number of cases, abrogating them altogether. That is the mode in which we propose to meet the objection taken to the unlimited discretion of local Boards so far as the rate-founded schools are concerned. Now I come to the important case of the rate-aided schools, and here the very same objection has been taken, and I must say with even greater force. The voluntary schools contain every variety of full denominational teaching; they raise in the broadest form whatever controversy may be connected with the subject; and they raise controversy especially in connection with one portion of the community, whose case is the most difficult to deal with, whose case is also one which demands justice at our hands, and which cannot be overlooked — I mean the case of the Roman Catholics, who may be said to form 5 per cent of the entire population. I believe they assume that the proportion is higher; I take it at that. But that proportion by no means represents the share they ought to have in the operation of this Bill, because they are massed together in the great towns, and probably a tenth, an eighth, or even a sixth of the educational destitution sought to be relieved is that of the children of Roman Catholic parents. Of course, the fact that they would claim full denominational education in their schools would, in many cases, provoke acrimony at the local Boards when the question had to be decided whether or not they should give aid out of the rates to denominational schools. It would be quite idle to propose that the denominational schools should be required by the local Boards to abandon their denominational character; and, if that is so, on the other hand we feel that whatever objection applies to the free exercise of discretion by local Boards in the case of the rate-founded schools, applies in an enhanced degree and with augmented force in the case of rate-aided schools. There is another point of view from which it is right to contemplate this part of the question, and it adds great force to the considerations on which I have been dwelling. It is this — What sort of assistance is it that the local Board may be enabled to give to these rate-aided schools? If persons are to be encouraged to expend their own resources by the prospect of public aid, it is perfectly plain that the public aid, of which the prospect is held out to them, ought to have something like permanence attached to it. I do not mean from generation to generation, but from year to year. It ought to carry the same sort of confidence as to its continuance as has been carried by the annual Votes of this House of sums disbursed by the Privy Council. How could the local Board give aid under these conditions? A local Board might with the utmost sincerity and good faith vote assistance to local schools by a majority attained after a contested election; but who could secure the continuance of it? The fluctuating and unstable character which must attach to any assistance given by a local Board out of the rates to voluntary schools has come prominently under our notice, and appears to me to be a consideration of the utmost importance in any attempt to bring about a practical settlement of this question. There are two modes in which this difficulty may be met; but, unfortunately, in removing that particular objection we encounter others still more formidable. We may either forbid or compel a local Board to aid voluntary schools; but if we forbid them, and make them leave voluntary schools, as they are, dependent on the modicum of aid which they now obtain from the Privy Council, that would not be consistent with the view with which this Bill was brought forward, and it would not fulfil that engagement under which all along we have admitted ourselves to lie—namely, that of giving fair terms to voluntary schools, so as to enable them to lend to us all the aid they are capable of lending in the accomplishment of this great work, in which there is plenty for us all to do. Therefore, as our sole measure for dealing with that part of the case, we cannot forbid the local Boards to give aid to voluntary schools, because the promoters of those schools would be liable, equally with others, to contribute to the rate, and, contributing to it, to aid and found schools to compete with and beat down the school for which they were paying out of their own private resources. That is a state of things we do not desire to bring about, and cannot be responsible for. Then, would it do to compel the Boards to aid voluntary schools? We might give schools which communicated an effective secular education, and which adopted a time table Conscience Clause, a right to draw a limited amount from the rates, carefully limiting and defining that amount, so that in no case when added to the grant of the Privy Council it should come up to the full value of the secular instruction given; but we cannot conceal that even that form of drawing from the rate, although it is done at the discretion of the local Board, might embarrass the operation of a measure of this kind, for if a payment were made out of the rates, as to which the ratepayers as such were not consulted, and over which they had no control, it might become a cause of discontent and exasperation. As our desire is to avoid bringing such feelings into activity in the inauguration of this great and important measure, we should not think it wise and desirable to ask Parliament to invest a voluntary school with an absolute claim on the rate. There is one other mode in which we might proceed, and in which we may gain a great variety of objects. We may entirely escape from the evils attending these controversies in the local Boards in connection with voluntary schools, and we may at the same time do justice to these voluntary schools, and prevent any of that action of religious prejudice against particular, and possibly in some place obnoxious, Communions, which may give great cause of complaint, and we may at the same time adhere to what I hold to be the fundamental principle of the Bill — namely, that the funds of the Exchequer, whatever discretion you give to the local Boards, are to be dispersed solely and exclusively for secular results. I say these objects we may gain in one way, and it is the way we now propose to the House—that is, that we shall sever altogether the tie between the local Board and the voluntary schools; but then we must fulfil the engagements we have already entered into with the voluntary schools. We all along held out—and I think in every scheme of education that has been propounded it has been held out—to the promoters of voluntary schools, that in their competition with rate schools they should receive some assistance towards lightening the burden of their expenditure. What we propose is this—that in lieu of the mode now inserted in the Bill, of giving this augmentation from public sources to the means available for secular education in voluntary schools, the amount of that augmentation shall be drawn from the Exchequer, instead of from the rates. We do not accomplish this object so much by positive provisions in the Act of Parliament as by negative changes. It would be carried out principally by a modification of the Minutes of Council under which these grants are now made. As to the amount of that augmentation the Government have considered the objections which have been taken to unlimited assistance given to voluntary schools, and we are strongly of opinion that that assistance ought to be so limited that the whole amount which they would receive, whether from the rates, or from the Privy Council, or from both combined, ought to be so limited as that it should be less than it would cost the ratepayers under any circumstances to establish a purely secular school. We think that an addition to the present grant from the Privy Council to the voluntary schools, which may be taken at its maximum at 50 per cent, would fully gain that object. I do not know whether the House is aware of the computations generally current as to the expenses of schools and the contributions to them. I believe that none of those computations can be said to be exact; but, speaking roughly, it is said that the expense of educating a child in an efficient secular school is 30*s*., of which it may be said one-third is now provided by the Privy Council, one-third from voluntary sources, and one-third by payments from the children. We think that if to the third which is now dispensed the half of the second third were added, subject to the strict conditions which I have described with regard to secular education, the voluntary schools would have no reason to complain. But of course it will be necessary that further voluntary subscriptions should be contributed by the Exchequer with regard to the rated schools; because whatever the Privy Council might do in regard to the amount of its contribution, it is clear —and I believe it has never been disputed—that it can only be fair if the amount given to voluntary schools from the general taxation of the country be equal, and no more than equal to that which should be given to rated schools. Some changes will be necessary in the body of the Bill if the proposition to which I have just referred should be adopted by the Committee. It will be necessary to change the 84th clause, which provides the assistance to be given from the Exchequer to secular schools in case the rate should exceed 3*d*. in the pound, because the relief to the rates by this plan would be so considerable that, in point of fact, the rate would never come to 3*d*. in the pound. We might, therefore, altogether dispense with this contingent reserve of assistance from the Exchequer. We think, also, that if this liberal annual assistance were granted by the State to schools—whether voluntary or rated—it is quite unnecessary to maintain any system of aid for building grants. The building of schools is the easiest of all the efforts made by the promoters. Their great difficulty is the maintenance of the schools; and when we give liberal assistance to the maintenance, I think we may fairly leave to the locality the cost of the building. Another point has been the subject of continued discussion and much interest. I mean that which has been called the "year of grace." This is mixed with various matters which enter into the most complex part of the machinery of the present Bill, and I cannot say precisely whether we shall be able to offer any modification with regard to the proposal in respect to the "year of grace." But there is a very great desire undoubtedly that a system of rated schools, by which local deficiencies are to be supplied, should be brought into action as rapidly as possible. It may be found that the adoption of the provision which I have recently referred to may make it practicable to accelerate the operations proposed to be taken under the Bill, in such a manner as to allow that some shorter period should intervene before the system of rating is brought definitely into action. These are changes which may perhaps follow from the adoption of the plan which I have described. I hope the House has understood the nature of the changes which the Government propose to make. But I will very briefly repeat them. We propose to, in substance, adopt the proposal of my right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple) with regard to the rate-founded schools. We propose that a time table Conscience Clause shall cover all schools whatever receiving any description of aid, whether from rates or from the Privy Council. We propose that local Boards shall cease to have any connection with or relation to voluntary schools, and that these voluntary schools, so far as they have depended on public aid, shall only stand in relation to the Privy Council; we propose that the contribution of the Privy Council towards the annual charge of schools shall be augmented in such a manner as to afford an increased amount of support to the local schools, whether voluntary or rated. That increase or amount of support would vary in detail according to the different heads under which it would be given. It is not necessary for me to refer to them separately; but the augmentation would be within a maximum of 50 per cent. It might not be so much; but taking it at about that amount, I think if our propositions be acceded to we may fairly require the promoters of voluntary schools to supply from their own resources and the pence of the children what, with the grant from the Exchequer, will enable them to perfectly well stand in competition with the rated schools. I need scarcely say that our plan would not have any effect on the Estimates of the present year, though they must be considered in connection with future rates. The changes, therefore, in the body of the Bill will be very slight in order to give effect to the propositions which I have described. Indeed, to give effect to the change with regard to the altered relations between local Boards and the voluntary schools requires the omission of three clauses, the 22nd clause, which principally deals with the subject, the 23rd, which is supplemental to it, and the 84th, which provides for a contingent draft upon the Exchequer, which the Government consider to be quite unnecessary under the circumstances of the case. Sir, before sitting down, I would say I am deeply sensible of the great disadvantages under which we approach the consideration of the Bill. Those disadvantages are many, both as regards time and circumstances. This Session the House has not been idle, and I believe that its exertions have not been unfruitful. If we have passed through the months of February, March, April, and May, and are half through June, in Parliamentary business I believe we have no cause to be ashamed of the work which has been under our hands, and which has been the result of our hands. Still, we must not disguise from ourselves that we are now approaching the practical consideration of a measure which, from its importance, its complexity of machinery, its variety of objects, and its grave difficulty, when all taken together, may well be compared even with the measure upon which we have spent the greater part of the Session, and is equalled by very few Bills which, in recent years, have been presented to Parliament. We are approaching the middle of June, when general legislation of a secondary order cannot be said to be forward, and when, of the necessary business of the Session, connected with the Votes in Supply, a very large proportion still remains entirely undischarged. Under these circumstances, when I ask myself what we have to set against this disadvantage —the disadvantage of that growing exhaustion which, as long as men are men, must affect the House of Commons as well as any other assemblage in proportion as its labours are prolonged, I know of but one thing that can be set against it —and that is the earnest desire of the country—faithfully, as I believe, reflected in this House—that the Bill shall pass during the present Session on the great subject of the elementary education of the people. There has been, I think, no single occasion in which the Bill has been mentioned, even in the incidental form of Question and Answer across this Table, when the cheers, the spontaneous utterances of the Members of the House have not testified to the earnestness, and I may say the vehemence of that desire. That it is entertained in good faith I do not for one moment question, and that it is entertained by both sides of the House, I fully believe and am aware. I hope that, being as it is, perfectly upright and undeniably strong, it will also be attended with that careful computation as to the means by which we can attain our end, and on which we must wholly depend for any hope of eventual success. That desire can, after all, only be attained by a disposition on the Benches opposite, and upon these to abate private opinion, to put aside subjects, not of party—because they have never been introduced—but of sectional difference of whatever kind, and to join in one common effort for the attainment of a common object. There was a man who left a name which is ever to be mentioned with honour in this country—Mr. Cobden—whose declaration long ago on this subject is well worthy of our attention. He certainly had no religious or sectarian prejudices, but was a man of popular principles and ideas, and one who would have taken fright, if any one could, at the idea of too great a scope being given to the power of religious communities or to the ministers who preside over them. He spoke, too, at a time when the deficiency in the means of elementary education was far less glaring than it is now, for the sentiment to which I am about to refer was uttered nearly 20 years ago. Addressing a meeting in Manchester, he declared that—

> "Such was the sense he entertained of the necessity of a universal, efficient, and accessible secular training for the children of the mass of the community, that he was ready, so long as private conscience was protected in the school, to accept a measure that would attain that end on any terms whatever, he did not care what, in regard to the details of its religious arrangements."

A prolonged consideration of the subject has enabled us, I have no doubt, to deal with some of the difficulties which were unsolved in the days of Mr. Cobden. We have, at any rate, endeavoured carefully and impartially to weigh the claims that might fairly be made by the various sections of the community, and in the proposals that we now make we have been governed by a sense of the great responsibility that we shall incur—a responsibility which others also will incur if they pursue a course that will produce the same result—if we abstain from using any means in our power to promote and expedite the passing of this measure. We have, therefore, sought to meet, as far as we could, the demands that may be urged from any quarter, and to make a liberal provision to enable the promoters of voluntary schools to continue their Christian and philanthropic enterprize. We have sought to meet the objections, the fair objections, of those who wish to exclude, as far as possible, from the area of local Boards the painful subject of religious controversy; and to meet the strong, the widespread, the everywhere manifested desire of the people that the general education of this country in secular matters shall not be separated from religion. Upon this broad basis we present our proposals, and as to the particular form which they have assumed, we present them as the best and fairest plan, in our judgment, by which, in the existing state of opinion and feeling, without involving the State in religious controversy, but confining its central function strictly to its work of obtaining beneficial secular results, we can give not only facility, but also respect, honour, and aid to religion, and secure—as we hope to do for the people of this country, wherever it is still deficient—the great and paramount advantage and blessing of elementary education.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Gladstone.*)

MR. DISRAELI: Whether we look to the gravity of the subject, or to the unexpected manner in which the communication has now been made to us by the Prime Minister, I must say, both for its importance and for the rarity of the circumstances, I hardly know any occasion since I have sat in Parliament that can be compared with the present. The right hon. Gentleman commenced his observations by dwelling on the impossibility of our arriving at any satisfactory conclusion on this vital subject, unless we acted in a spirit of mutual concession, and he terminated his remarks by an appeal to the co-operation of all sections of opinion in the House for a common object. I do not think the right hon. Gentleman has anything, so far as this measure is concerned, to complain of in the conduct of those who sit opposite to him. It is four months ago since Her Majesty's Ministers, after having had no trifling time to mature their measure, and to consider its provisions, placed upon the Table of this House, after an able exposition from the right hon. Gentleman the Vice President of the Committee of Council on Education—which it was my misfortune not to hear—the measure for the elementary education of the people which had been so long promised and expected. What was the chief provision of that measure? A provision which delegated to school Boards the power and the privilege of deciding upon the religious education of the scholars. The right hon. Gentleman remembers well our long contests and controversies about the Conscience Clause. In this instance we waived all question of the principle of a Conscience Clause; we testified the sincerity of our support by dealing with the right hon. Gentleman in a spirit of co-operation and concession, by abrogating for ever all ground of controversy, and meeting him in a manner which greatly facilitated the progress of the measure, and permitted us to accede to some of his most novel propositions. When I speak of the principle of a Conscience Clause, I allude, of course, to that contained in this Bill. The right hon. Gentleman has since given Notice of an Amendment to that Conscience Clause; but we have not yet had any reasons stated in favour of the change, and I think the most legitimate and natural manner would be to allow us in Committee to express our opinion upon it. The principle of that Conscience Clause was unanimously, sincerely, and cordially accepted by those who have hitherto been opposed to it, and by that course they greatly facilitated the plans of the right hon. Gentleman, and permitted him to expect that with our co-operation the arrangements that he had proposed to make in delegating to the School Boards this power of deciding upon the matter of religious education of the pupils in schools would be carried. What, however, is one of the leading features of the statement which the Prime Minister has made to-night? I came here to support the Bill which the Government introduced four months ago, and the character and provisions of which have been maturely considered. I came here to candidly consider in Committee any Amendments, whether they were made by the Government or by hon. Members sitting on either side of the House, which might have modified, improved, changed, or developed the principle of the measure; but so far as the Bill of the Government was concerned, I was prepared to support it. I take it for granted that, in this discussion, we are not to enter into any arguments respecting the abstract excellencies or disadvantages of secular education; and I understand it is agreed on both sides of the House that we are to recognize the determination of the great majority of the people of this country that "national education" is to be a "religious education." I understand that is the admission of those who are avowedly, and no doubt conscientiously, advocates of a strictly secular education. I understand that, as far as the House of Commons is concerned, in our efforts to carry a measure of elementary education, we are not to deviate into barren arguments upon the subject of secular education. Then, if we are to have a religious education, I am at a loss to understand how it is to be secured by the change which the right hon. Gentleman has notified to-night for adoption by the House, though I shall listen with candour, if opportunity offers, to any arguments that may be advanced in favour of views to which at present I do not give my adhesion. Our course is clear. The country demands a "national education" which will be a "religious education." The country will not entrust that education to the Church, but has agreed to entrust it to the community; and the right hon. Gentleman, acting on that principle, has proposed to us, in the measure before the House, that to the community shall be delegated the power of deciding upon the religious education of the people. To-night, however, we are told that the powers of the school Board are not only to be abridged but even to be abrogated, and it is proposed that we are to take refuge in an Amendment, Notice of which has been given, but which cannot be moved. This appears to me a most extraordinary course for a great Minister and the Leader of the House to take. After having devoted a portion of his time, and that of his Colleagues, to the consideration of this question, after having laid a matured and deeply-considered Bill before the House, and after Parliament and the country have been considering it for four months, the right hon. Gentleman suddenly comes down and tells us he is going to make a great change—a change which is expressed in an Amendment by a private Member who cannot move it. This appears to me to indicate vacillation of purpose. I do not wish to depreciate the proposition of the right hon. Member for South Hampshire (Mr. Cowper-Temple); but I want to understand it. It is easy to say that no catechism or formularies should be used in these schools distinctive of any particular denomination. But I think that before we can accede to such a proposition, it would have been convenient if we had had the advantage of having it explained to us. When the original Bill was brought in we had the advantage of an explanation of its principles. Without, therefore, depreciating in any way the suggestion of the right hon. Member for South Hampshire, I wish to remind the House that we have never had from the right hon. Member (Mr. W. E. Forster), nor from the right hon. Gentleman at the head of the Government, any explanation of what may be the possible or the probable consequences of this principle if admitted, or what really is the meaning we may annex to it. The right hon. Gentleman has very properly expressed his belief that it would be impossible to give any definite and precise meaning to such words as "unsectarian" and "undenominational." In dealing with the proposition of the right hon. Member for South Hampshire, which we are now told is to be the leading principle of the Elementary Education Bill—of this Bill which has been so long before us—which has been before us for four months in another shape —I am merely giving my first impressions of it; but when a proposition of this importance is started without Notice, called upon to discuss the subject upon the spur of the moment, I can see nothing but the utmost difficulty in the course which has been indicated by the Government. I am speaking now in the hope of eliciting some information which may guide us in the matter. The right hon. Gentleman tells us that he, for one, would not be content with religious education in our elementary schools if it merely consisted in reading chapters of the Holy Scriptures without comment. Why, there are but few of us who read chapters in either the Old or the New Testament who do not require comment, and sometimes considerable comment, upon them. Therefore, nothing would be more unfair than that the children of this country, without any previous religious instruction, should be told by Parliament that they must find adequate religious instruction in merely reading passages from the Holy Scriptures. I am, therefore, not at all surprised to hear that the right hon. Gentleman is not inclined to sanction such a course; but, as far as I can ascertain from the speech of the right hon. Gentleman, the new scheme would be this—that, although no creed nor catechism of any denomination is to be introduced, yet the schoolmaster would have the power and opportunity of teaching, enforcing, and explaining the Holy Scripture when he reads. Now, he cannot do that without drawing some inferences and some conclusions, and what will those inferences and conclusions be but dogmas? They may not be the opinions of the rector, nor of the Presbyterian minister, nor of the Nonconformist minister, but they are the opinions of the schoolmaster. You are contemplating the establishment of a class who must be endowed with great abilities, and who certainly will have to perform most important functions and to exercise great powers, and I want to know in the present state of affairs where these schoolmasters are to be found? You will not intrust the priest or the presbyter with the privilege of expounding the Holy Scriptures to the scholars; but for that purpose you are inventing and establishing a new sacerdotal class. The schoolmaster who will exercise these functions, and who will occupy this position, will be a member of a class which will, in the future, exercise an extraordinary influence upon the history of England and upon the conduct of Englishmen. That was the second great announcement made by the right hon. Gentleman. I say that that announcement, if the right hon. Gentleman intends to adopt that scheme of elementary education, is not only one of which we have had no notice, but it is one which we are not in a position even to discuss. I, for one, am not prepared to discuss it; it is too grave, big, comprehensive, and wide a subject for discussion at so short a notice; but I am stating the first impressions that occur to me with regard to it. The right hon. Gentleman, after abridging or abrogating the functions of the school Boards, after announcing that new powers of a most remarkable description are to be intrusted to a class with whom we are at present but little acquainted, enters into details of the most complicated kind with regard to voluntary schools, assisted schools, and rate-established schools under the Bill. The details produced by the right hon. Gentleman, although he said they were very simple, appeared to me to assume almost the character of a Budget. I followed his explanation with difficulty, and my right hon. Friends near me were not able to assist me in the matter. That is to say, my right hon. Friends shared what I believe was the universal feeling of the House, that when a complicated statement was made involving financial details, it would have been more convenient for a popular Assembly to have received it in a more precise and formal manner. Of one thing there can be no doubt—that the details of the right hon. Gentleman, and the changes generally, which he has announced, show that we are called upon to consider an altogether new Bill. The Bill which during months of the autumn was carefully prepared by the Government—which was brought forward with so much comment upon its details four months ago—the Bill which for four months has been studied by the House of Commons, is not the Bill which we are now called to go into Committee upon, and which, if we enter into Committee upon, we shall do so with the greatest disadvantages. I am bound to say that there is not a man out of the Cabinet—and I believe not every one in the Cabinet—who has at this moment a precise and clear idea what the right hon. Gentleman is going to do with voluntary schools which are not to be supported by the rates of the school Boards. Now, Sir, how have we been treated by the Government in this matter? The Vice President of the Council on Education only very recently placed some important Amendments upon the Paper, and he told us that those were all the Amendments he meant to propose. These were his last words just before the Whitsuntide Recess. No doubt, the Government have acted with the utmost straightforwardness in the matter—no doubt the right hon. Gentleman the Vice President of the Council really meant what he said—no doubt the right hon. Gentleman the First Minister meant what he said four months since, and meant what he said to-night. We are dealing with a very difficult subject, and it will not do to make—I will not say a claptrap appeal to the House, because that would not be respectful to the Prime Minister, but that ordinary appeal to the House that it is of the utmost importance that we should legislate upon this subject during the present Session. I had hoped until to-night that we should be able to legislate upon this subject this Session; but allow me to impress upon the House that there is one thing much worse than not dealing with this question this Session, and that is to pass a sham Bill, evading all difficulties by loose phrases to which no one can annex a precise idea, and which, when attempted to be carried into practice by a practical people like the English, will end in the utmost mischance, and result in public disappointment and mortification. Now, the course that I should have thought would have been taken under the circumstances is, that the right hon. Gentleman should have moved this Committee merely *pro formâ* for the purpose of inserting these clauses, and should have then postponed further discussion upon it until the Bill had been reprinted. I will not, under the circumstances, move the adjournment of the debate, because I am anxious that on this question we should proceed with as much accord as possible; but I desire to put it fairly to the House and to hon. Members opposite, whatever may be their peculiar opinions respecting elementary education, whether they think that we are now going into Committee with that ample and precise information as to the intentions of the Government which it is desirable, and indeed, which it is absolutely necessary, we should have. Ought we not to have an opportunity of considering the new scheme of the Government? And although we have wasted four months in studying the first Bill, is it right that we should not have four days nor four hours to consider propositions which so intimately concern the interests of the country? The right hon. Gentleman tells us they are very simple; he has only to take out three or four important clauses and we might then go to work; but the right hon. Gentleman took an hour and a-half to explain this new scheme, and I believe the right hon. Gentleman did not waste a word in that explanation. As far as I am concerned, I candidly confess I cannot comprehend the scheme; there may be others who have more confidence in themselves, and who are not so ready to confess a weakness, which I fear is rather my characteristic; but I candidly confess myself utterly incompetent to decide at present upon the momentous propositions and the minute details set forth by the right hon. Gentleman. I trust, therefore, he will accede to my proposal that he will move this Committee *pro formâ*, insert his new clauses, and let the Bill be reprinted. This done, I care not whether it be at a Morning or an Evening Sitting, I am sure the right hon. Gentleman will find the House ready to give his propositions a candid, and, I hope, an efficient examination.

Mr. VERNON HARCOURT said, he was obliged to join the right hon. Gentleman opposite (Mr. Disraeli) in his confession of weakness. He was quite unable to master the new scheme of the First Lord of the Treasury, and he was sure the House would concur in the proposition of the right hon. Gentleman opposite that the matter should be postponed. As far as he could understand, it would be absolutely impossible that the principle of compulsion could be applied, for voluntary schools would be removed from the operation of the local Boards, which would alone have the power of enforcing attendance. This was a question that affected the whole framework and texture of the Bill; and it was a matter which they must have time to consider. It was, in fact, a new Bill framed upon new principles. As to the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple), he would ask who were to determine whether a religious formulary was the distinction of any particular denomination? Every objection that the right hon. Gentleman had urged against his (Mr. Vernon Harcourt's) Amendment appplied equally to that of the right hon. Member for South Hampshire. There ought to be some tribunal to decide as to religious formularies. The New Testament was a religious formulary of Christians, as distinguished from those who were not Christians. He hoped, on a future occasion, to show that there was such a thing as unsectarian religion. He had heard with the deepest regret the statement of the First Lord of the Treasury that he did not understand what was meant by undenominational and unsectarian religion. He believed that the great body of the Christian people of this country knew thoroughly well what was meant. [Mr. GLADSTONE: I never used the words.] He was extremely sorry to find he had misunderstood the right hon. Gentleman; but the incident showed how true his statement was that he did not understand him. Certainly he gathered from him that there was no such thing as undenominational religion. He was glad, however, to find he had misunderstood him. The country did not desire to have a national system of education founded on denominational principles, though he agreed with the Prime Minister that the country desired religious education; and if the right hon. Gentleman was of opinion that he could not secure unsectarian religious education, then he was perfectly certain that at no distant period the country would have a system of secular education. The Amendment adopted by the Government on this subject was in very vague terms. While it pretended to do a great deal it really did nothing at all; it simply prevented the formularies of religion being taught, as if the substance of those formularies could not be taught without the words. It would be easy to teach the Apostle's Creed without the form; even the Athanasian Creed could be put into vulgar and intelligible English, if it were possible, and imparted to the children. He would be no party to a proposal which forbade the form and yet permitted the thing to be done. The proposition would be offensive to the Churches of England and Rome, which had formularies, and unsatisfactory to the Dissenters, who objected to the substance which those formularies taught. As he thought that they were not in a condition to discuss the Bill, he would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Vernon Harcourt.*)

MR. DIXON agreed that it would be utterly impossible adequately to discuss the important questions involved in the new proposals of the Government without an adjournment; and he submitted that if the Bill were pressed forward that evening the new propositions would not be approached in a proper spirit. There were two principles discussed out-of-doors, both of which were seriously affected by the statement of the First Minister. The strongest feeling existed among Nonconformists and almost all those who supported the National Education League, that, whatever was done, there should be no extension of the present denominational system, and that there should be no increase of public grants to the existing denominational schools. Yet, if he understood the Prime Minister, his new propositions involved an increase of the grant to denominational schools of 50 per cent. There was another principle which was held to as strongly, and which was under consideration, as to whether the money of the ratepayers should be given to support sectarian religious teaching. If he correctly understood the proposition of the Prime Minister, it was that the teachers might be allowed in all rate-provided schools not only to teach religion, but to teach religion of the most sectarian character. It would be permissible to teach the sectarianism, not only of 20 Churches, but of thousands of individuals. These two principles had been prominent throughout the whole agitation which had been going on in the country, and he would suggest to Her Majesty's Government that they ought to allow a little time to elapse before asking the House to approach the discussion of these new propositions, lest they should give utterance to feelings and opinions that might afterwards be painful to themselves, as well as unjust to the Government. In conclusion, he expressed a hope that the House would, without hesitation, agree to adjourn the debate.

VISCOUNT SANDON rose with very great regret to approve a course of procedure similar to that recommended by his hon. Friends opposite. Entertaining, however, as he did, an earnest desire to press the Bill forward, he felt that the course proposed by his hon. and learned Friend the Member for Oxford (Mr. Harcourt) would lead to some unnecessary delay. He therefore urged the House to go into Committee *pro formâ*, so as to delay as little as possible the consideration of this important measure. As to the proposals of the Government, he could not shut his eyes to the fact that they made the Bill almost a new one. With regard to many important details, the measure had been entirely transformed. The adoption of the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple), respecting the exclusion of formularies, was one of very great importance, now it had been adopted by the Government, and hon. Gentlemen on the Opposition side of the House required time to consider whether they could support it. Again, the future position of the existing schools would be different from what was originally intended. He did not say that the Government proposals might not turn out to be highly valuable; and, for his own part, he hailed with delight the concession with regard to the relief of the rates, for he believed the inhabitants of populous towns had no idea of the unfair burden they would have to bear if all schools were put upon the local rates. Seeing the magnitude and importance of the changes proposed, he trusted the

Government would allow hon. Members at least two days to consider them. He recommended the hon. and learned Member for Oxford not to persist in his Motion for the adjournment of the debate; but to assent to the milder course of allowing the Bill to go into Committee *pro formâ*, with a view to its being reprinted with the Amendments, and to its further consideration on another day.

MR. COWPER-TEMPLE said, he thought it very desirable that hon. Members should have time to consider the proposed changes. He agreed with the last speaker that the best course of procedure would be to go into Committee *pro formâ*. The impression he had formed from listening to the speech of the Prime Minister was, that the right hon. Gentleman had dealt with the subject in a most statesmanlike manner. The hostility with which this comprehensive measure had been met proceeded from other causes than a desire for the best education of the poorer classes of this country, and some changes had become necessary to conciliate objectors. The Amendments acceded to would diminish the opportunities for sectarian strife. Against the Bill there had been urged difficulties which the Government were willing to endeavour to remove; and he thought that the solution proposed this evening was, on the whole, the best. He would, however, forbear from entering into a discussion on the subject on the present occasion.

MR. GATHORNE HARDY: I believe the going into Committee *pro formâ* and the subsequent reprinting of the Bill, with the Amendments, will be advantageous alike to the House and to the Government. I should be extremely sorry to be compelled to support the Motion for the adjournment of the debate; but I do not see what other course I could take in the event of the Government not consenting to reprint the Bill. The right hon. Gentleman seemed adverse to such a course; but it was surely to the advantage of the Government to have the Bill in their hands in its altered form, so that every new Amendment must proceed from other quarters. There is another point that strikes me as being one on which it is very important the Government should give us some information—namely, as to the projected change in the Revised Code. You are about to make changes which will affect some 12,000 schools, according to the statement of the right hon. Gentleman; and it is all important for the carrying on of the best part of the education of this country that we should know the position they are to be placed in under the new Revised Code. I do not mean to say that the Code is to be altered now; but I think the right hon. Gentleman who represents the Education Department here ought to put on paper what it is proposed to do in reference to the Revised Code next year. Speaking for myself, I came down here to assist practically in carrying out what I deemed to be the principle of the Government measure, although I am aware there are certain points which will have to be discussed at considerable length in Committee. It was with the same view that I abstained from speaking on the second reading; and now I shall be as brief as possible, because I desire to facilitate the passing of the Bill. I trust, however, that the right hon. Gentleman will give us two or three days to consider his proposals, instead of driving us into apparent opposition to the Bill, by rendering it necessary for us to vote in favour of the adjournment of the debate.

MR. W. E. FORSTER: I do not think we have the slightest right to complain of the wish which has been expressed by the right hon. Gentleman who has just sat down, and by the other hon. Members who have asked for time to consider the change which has been proposed by my right hon. Friend. I do not deny that that change is an important one; but I think the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) rather exaggerated the effect of it when he described it as an entirely new Bill. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) suggests that we should go into Committee *pro formâ*, for the purpose of having the Bill reprinted. Now, on the part of the Government, I am quite ready to assent to the postponement of the debate until Monday next; and it is entirely for the House to consider whether they would prefer going into Committee *pro formâ* or to have the Amendments laid on the Table. I would only remind hon. Members that if the suggestion of the right hon. Gentleman opposite is adopted, the effect will be that all those Amendments which now stand on the Paper in their names will disappear. That would be an inconvenience. If the House approves, the new Amendments might be printed and in the hands of Members to-morrow morning. In point of length these Amendments will be slight, being simply the omission of three clauses and the addition of a few words to the 14th clause. The right hon. Gentleman has asked for a detailed statement as to the relations which all the public elementary schools would in future bear to the Parliamentary Grant. In reply, I would observe that it is impossible for us until the Bill passes to say how that would be. I can only repeat the statement made by my right hon. Friend, that in framing the new Code we shall frame it on the principle of contemplating an additional grant of not more than 50 per cent. The precise mode in which it would be given it is impossible to state now, because we do not know what may be the alterations made in the present mode of distribution. We have been all along aware that as soon as the Bill passed the framing of the Code would be a most important matter, and I have every hope that when brought before Parliament next year it will receive the most attentive consideration. As to the Bill itself, I have no wish to enter into any defence of it on the present occasion; but I feel confident that those who take an interest in education, and whose object is the extension of the advantages of education to every child in the kingdom, will regard the Bill as being improved by the alterations in it which have been proposed to-night.

MR. LIDDELL said, there was one reason not yet urged why the House should not vote the Speaker out of the Chair then. By doing so they would preclude themselves by the usages of the House from discussing the Bill upon its principles. Though not wishing to say a word against the proposals enunciated that night, they were so novel in their character, and they had been introduced so unprecedentedly, that he thought it most undesirable they should preclude themselves from discussing the principles of the Bill in connection with those proposals.

SIR JOHN PAKINGTON said, he saw no advantage in prolonging the discussion. But no person could for a moment dispute the fact that, considering the important statement they had heard that night and the changes proposed by the Government, common fairness required that both sides of the House should have time to consider those Amendments. The best plan, then, in his opinion, to adopt was to go into Committee *pro formâ*, to reprint the Amendments, and to proceed as soon as possible with the consideration of the Bill in its new shape. He thought Monday was too soon to fix for resuming this discussion, although he hoped that no time would be lost in the progress of the measure.

MR. GLADSTONE said, there was not the slightest objection on the part of the Government either to the adjournment of the debate or to the going into Committee *pro formâ* as had been suggested. The latter course was one which the Government themselves could not well propose, inasmuch as it would be the first step towards giving effect to their plan. With regard to the reprinting of the Bill, if they were to do so it would appear again exactly as it was, with the exception of three clauses, which would be omitted, and a short Amendment to the 14th clause. It it be the wish of the House, the Amendments already on the Paper might be reprinted. The proposals of the Government, so far from being complicated, could be written in three lines. The principal question, that with regard to formularies, could be contained in two lines, and in regard to voluntary schools, it was a transfer from the local Board of the function of administering to the wants of voluntary schools. He hoped that the Motion for adjournment would be withdrawn.

MR. VERNON HARCOURT asked the Speaker in what position would hon. Members be who had Amendments on the Paper, in case they assented to the committal of the Bill *pro formâ?*

MR. SPEAKER: The hon. and learned Member will be in a much more advantageous position than that in which he is now placed; because at present, having moved the adjournment of the debate, he has exhausted his powers of speaking. If the House should go into Committee *pro formâ*, and the Bill should be reprinted, then every hon. Member will, at the re-commencement of the debate, be informed as to the main principles of the change proposed by the Prime Minister.

Mr. HORSMAN: When the debate was recommenced, would every Member who had an Amendment on the Paper have a right to speak?

Mr. SPEAKER replied in the affirmative.

Mr. VERNON HARCOURT said, he would withdraw his Amendment.

Motion, by leave, *withdrawn*.

Mr. DISRAELI suggested to hon. Members who had Amendments on the Paper that they should replace them, or otherwise they would not have an opportunity of discussing them, should the House go into Committee *pro formâ*.

Mr. HIBBERT observed that, in respect to the proposal for recommital, every one of the 200 or 300 Amendments on the Notice Paper would be replaced at the cost of much time and trouble. He suggested that both Motions before the House should be withdrawn, and then let the Amendments that were really to be proceeded with be placed on the Table of the House.

Mr. RUSSELL GURNEY considered it would be a great advantage if they got rid of all the Amendments on the Paper, so that they should be able to start with the consideration of those Amendments only that involved any material changes in the Bill.

Sir CHARLES W. DILKE asked if the Government would be prepared to put on the Paper their Amendments with regard to the school Boards, or the compulsory part of the question.

Sir MASSEY LOPES also wished to know if the Government would insert in the Bill a provision with reference to the extent and the amount of the Government grants, so as not to leave them to the caprice and whim of the Educational Department, more especially when they exercised such arbitrary and absolute powers?

Mr. W. E. FORSTER said, it was absolutely impossible to put upon the Paper at present the new or additional Code, for reasons quite irrespective of the changes proposed by his right hon. Friend the Prime Minister. They were unable then to form any opinion of the precise details of the provisions under which the annual grants should be made under the altered circumstances caused by the passing of this Bill. What had been said was, that the Government looked forward to additional grants to schools not exceeding 50 per cent. It was not the intention of the Government to place Amendments on the Paper with reference to the school Boards and compulsory education. Throughout the discussion there had been an unusual desire to anticipate discussion in Committee by arrangements beforehand; but the Government felt that these difficult questions must be left to be dealt with in Committee.

Mr. W. H. SMITH said, there was a very strong and prevalent feeling that that Bill should be a complete educational measure, in every sense of the word, and he felt certain that many hon. Members would give their support to any attempt to make it such. He suggested that, in order to make it so, the new Code should be incorporated, if possible, in the Bill, so that the minimum as well as the maximum amount of the grants should be known.

Motion, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee, and *reported;* to be *printed*, as amended [Bill 167]; *re-committed* for *Monday* next.

## PARLIAMENT—MORNING SITTING.

Mr. DISRAELI said, it would be convenient to hon. Members if the Prime Minister would state if it was necessary now to have a Sitting to-morrow morning.

Mr. GLADSTONE said, that as in all probability many hon. Gentlemen had made arrangements on the understanding that there would be a Morning Sitting, he thought it was not advisable to make any change.

## EXTRADITION BILL—[Bill 138.]

(*Mr. Attorney General, Mr. Solicitor General.*)

### SECOND READING.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving that the Bill be now read the second time, said, the advantages of Extradition Treaties were obvious. It was clear that a crime could be best investigated in the country where it was committed, and where the witnesses and the persons most interested in bringing the offender to justice resided. It was to the advantage of every country that its fugitive criminals should be surrendered to it, and it was no less to the advantage of every country to get rid of foreign criminals who had fled to it. They had criminals enough of their own without being troubled with criminals belonging to other countries, and it was somewhat remarkable that, of all civilized countries, England had received the least benefit from Extradition Treaties. France had now 53 Treaties of Extradition. The United States had nearly as many. Most of the Continental States had a great many. But at that moment England had only three. This was partly owing to jealousy, lest they might be required to surrender political offenders, and to violate the right of asylum always afforded here to political refugees, and partly because a separate Act of Parliament had been required for each treaty. The Bill was founded almost entirely upon the recommendations of the Select Committee, which considered this subject in July, 1868, and it provided that Her Majesty, after having made an arrangement with any foreign State, in pursuance of the provisions of the Act, might direct by Order in Council that the Act should apply to the extradition of criminals between us and such State. The Bill was drawn upon the footing of reciprocity, according to the recommendations of the Committee; but he doubted very much whether it was well to insist upon this reciprocity. It seemed to him that the getting rid of a foreign criminal was a benefit, nor did there appear any reason why they should insist on continuing subject to the nuisance of keeping foreign criminals, because foreign countries chose to endure the nuisance of keeping theirs. The list of crimes was extended in pursuance of the recommendations of the Committee; but it was still limited to the graver crimes, and to such crimes as had some common element in the legislation of the countries with which they agreed for the purposes of extradition. These were specified in the Schedule to the Bill. The Queen, however, was not bound in each case to put in force the whole Schedule, but might make a selection. The Schedule to the Bill set forth a number of offences, but it need not be adopted *in toto* by the Queen when entering into any arrangement with any foreign country; indeed, she might adopt only so much of the Schedule as might be thought convenient under the circumstances. It had been held by the Court of Queen's Bench that they ought not to surrender criminals if they had jurisdiction to try them; but that decision was arrived at by the Court against the opinion of the Lord Chief Justice; but now that that opinion had been generally adopted by the profession in England, and he understood in America, the Bill proposed to give effect to it, and to enable the Courts to surrender prisoners for certain offences, piracy for instance, even although we might have jurisdiction to try them here. It was right to state the safeguards by which the principle of extradition was surrounded in the Bill. First, there was a distinct provision that no criminal should be surrendered for any political offence. They had found it more difficult to define a political offence than to define the Ulster Custom, and they had finally given up the attempt, and had left the matter to the Courts. In addition to this, the Secretary of State for the Home Department might at any time interfere to prevent the extradition of a criminal for any offence which he deemed to be of a political character. It was further provided that no person surrendered should be tried for any offence except that for which he was surrendered, without having been previously restored to liberty. This was to prevent a foreign country demanding a man—say, for manslaughter, and then trying him for a political offence. Further, it was provided that no criminal should be surrendered for what the French called *par contumace*—that of being convicted in his absence. The Committee further recommended that all extradition cases should be heard at Bow Street, and that recommendation had been adopted, subject to the exception that if a crime had been committed on the high seas it might be dealt with, to avoid delay, at the port at which the ship arrived, by a stipendiary magistrate in England, a chairman of quarter sessions in Ireland, and a sheriff in Scotland. At present proceedings were commenced by an order from the Home Secretary on a requisition from an Ambassador; but Sir Thomas Henry pointed out that this involved delay, which might allow a prisoner to escape; and therefore power was given to any magistrate to issue his warrant on such information, as he would do if the offence were committed in England; but no further proceedings were to be taken unless the usual order was given by the Home Secretary. Every person taken up under the provisions of the Act would have notice given him that 15 days were allowed to him to apply for a writ of *Habeas Corpus*, in the event of his having reason to complain of his having been arrested, or reason to give why he should be set at liberty. The Act would apply to the Colonies, unless any were excepted by an Order in Council; and in the Colonies a requisition was to be made by a Consul or Vice Consul, and the Governor was to perform the duties which were here performed by the Secretary of State. There was a further provision that if Colonial Acts on the subject had been passed and were in force they were not to be interfered with, so that if the Colonies liked to deal with this question themselves they were at liberty to do so. He thought it would be found that this was a very important enactment, and that it would lead to the adoption of the principle of extradition to an extent which hitherto had been little thought of; and he trusted it would lead to a number of treaties with foreign countries. At the same time, he thought the principle was surrounded by such safeguards that the most timid persons need no longer fear the possibility of the extradition of criminals for political offences and other interferences with liberty, which hitherto had prevented them resorting to the principle of extradition.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Mr. Attorney General.*)

Mr. BOUVERIE said, he was Chairman of the Committee referred to, and, so far as he could then judge, the Bill appeared to be carefully and skilfully drawn in conformity with the Committee's Report. It would remove a defect in their criminal jurisprudence which was a disgrace to them as a civilized country; and it would place them on the same footing as the other civilized nations of Europe. Jealousies had arisen in consequence of the course they pursued with regard to political offenders, and also that each treaty had to be confirmed by Parliament. Those matters had created such great difficulties hitherto that nothing practical had been attempted to remedy them. He trusted the Bill would lead to a number of treaties that would enable them to get rid of many rogues who now went about this country with impunity.

Mr. DICKINSON took exception to the principle of the Bill, that of contracting with foreign countries, as unsound, and involving them in all sorts of difficulties and different agreements with different countries; and he maintained that the principle was to determine by what rule they should be guided themselves; and having determined their own municipal law, we should inform foreign countries, and ask them to extend to us advantages corresponding with those which our laws afforded them. In Committee he should move the rejection of that part of the Bill which rendered it necessary to make treaties with foreign countries on the subject. He thought, too, it would have been better to confine themselves to their own municipal law, and to have allowed those Colonies which had Legislatures of their own to legislate on this subject for themselves. This Bill would apply to Canada till Canada thought fit to render it inoperative as regards that Colony by legislation of its own. The fact that Canada was in advance of England in this matter rendered it the less necessary that we should include that Colony in our extradition arrangements with other States.

Mr. W. M. TORRENS said, the Bill carried out two important recommendations of the Select Committee; one was, that after a fugitive was committed by a magistrate he should have 15 days to sue out a writ of *Habeas Corpus;* the other was an enlargement of the catalogue of offences so as to afford more protection to commercial interests. As a member of the Select Committee, he proposed that the Court of Queen's Bench should be the authority to decide what was and what was not a political crime. Two members of the Government who were on the Committee had undertaken to give the Committee a general definition on that subject; but subsequently they admitted that the task had baffled their powers. The Committee, by a majority of 1, recommended that the decision should be left to the Court of Queen's Bench; but he regretted that recommendation was not embodied in the Bill, because he thought the Secretary of State was the last person in whom the decision on such a point should be vested.

MR. WHEELHOUSE, as one who had practical experience of the glaring deficiencies in our criminal law with reference to fugitive criminals, was glad to express his opinion that this Bill was a step in the right direction. Any objection that had been made to it was as to particular clauses, and might be discussed in Committee. He wished to know why the word "arrangement" had been used instead of "convention" in one of the clauses?

THE ATTORNEY GENERAL, in reply, said, that the Secretary of State would not determine what was a political offence. The magistrate would determine that question subject to an appeal, in case of dispute, to the Court of Queen's Bench, or some other of the superior Courts. The Bill did empower the Secretary of State to interpose, if he should think the offence was a political one; but it did not give him authority to decide that it was. The word "arrangement" was used in order that an agreement might be come to without a formal treaty.

Motion *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

## CUSTOMS AND INLAND REVENUE BILL.

(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld.*)

[BILL 156.] CONSIDERATION.

Bill, as amended, *considered.*

MR. ALDERMAN W. LAWRENCE said, he had taken the opportunity of placing on the Notice Paper three Resolutions in relation to the inhabited house duty. It might seem an unusual thing to bring them up at such a time; but he thought that the subject had been treated in a somewhat unusual manner by the Chancellor of the Exchequer. He (Mr. Alderman Lawrence) thought that the duty fell more heavily upon houses as they descended in the social scale, whether they looked at the amount of rent paid, or the amount of income of the occupant. The Chancellor of the Exchequer, however, said that there was not the slightest reason why the tax should be remitted. Small as was the boon he (Mr. Alderman Lawrence) asked, if it were granted it would be a great concession to the general community. He hoped the Chancellor of the Exchequer would not lose a great opportunity of doing justice. He moved to insert the following clause:—

(Exemption of certain houses from Inhabited House Duties.)

"From and after the fifth day of April one thousand eight hundred and seventy, every dwelling house let out in tenements or separate lodgings where the rent of each separate tenement or holding does not exceed the sum of seven shillings and eight pence per week, or under twenty pounds per annum, shall be exempt from Inhabited House Duties whether such dwelling house has or has not a front door."

MR. CRAWFORD seconded the Motion, in order that the Chancellor of the Exchequer might have an opportunity of speaking.

New Clause *brought up,* and read the first time.

THE CHANCELLOR OF THE EXCHEQUER said, the proposal was, that when a man possessed a house which was divided into separate tenements, for each of which the tenant was charged less than £20 a year, such house was to be exempt from the tax. Every shopkeeper who lived in a house of £20 a year had to pay house duty; but if a man happened to possess a house worth hundreds a year the hon. Member would exempt him from the tax, in the event of the house being let out to tenants each of whom paid less than £20 rent. His opinion was that the house duty ought to descend much lower than £20. It would be in the highest degree unjust for the House to accede to the Motion.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

MR. ALDERMAN W. LAWRENCE said, he had another clause to move with respect to the house tax. This one applied to houses used as temperance hotels and coffee-houses. At the present moment every house licensed for the sale of ale, wine, or spirituous liquors was liable to a house tax of 6*d.*, whereas hotels not so licensed were treated as private houses, and had to pay 9*d.* in the pound. The hon. Gentleman concluded by moving the following clause:—

(Reduction of Inhabited House Duties on certain houses.)

"From and after the fifth day of April one thousand eight hundred and seventy, every inhabited dwelling house which, with the household and other offices, yards, and gardens therewith occupied and charged, is or shall be worth the rent of twenty pounds or upwards by the year, which shall be occupied by any person who shall carry on in the said dwelling house the business of an hotelkeeper, or an innkeeper, or coffee-house keeper, although not licensed to sell therein by retail beer, ale, wine, or other liquors, there shall be charged for every twenty shillings of such annual value of any such dwelling house the sum of six pence."

New Clause *brought up*, and read the first time.

THE CHANCELLOR OF THE EXCHEQUER apprehended the reason the clause was brought forward was that the law imposed a tax of 9*d.* in the pound on houses which were not used as shops, and 6*d.* in the pound upon those which were so used. In the case of public-houses and temperance hotels the line drawn was, perhaps, a somewhat thin line; but one reason why the charge on a public-house should be less was, that it already contributed in many ways to the Revenue. So far as he could see, it did not appear to him to be worth while to make the change proposed.

MR. M'LAREN and MR. MORLEY supported the Amendment.

MR. STANSFELD said, one reason for not dividing the House was that it was the custom of the House to deal with the Budget proposals of the Government as a whole; to reject, or it might be to modify them, but not to introduce new proposals. Another reason was that the case as between the public-houses and the temperance hotels was not at the moment so much before the House as his hon. Friend seemed to think. Without speaking of the taxes on the articles consumed, the taxation on the public-house for licences was much heavier than on coffee-shops and temperance hotels. In the interests of temperance his hon. Friend would be very unwise indeed if he instituted a comparison between the taxation of public-houses and temperance hotels. He would remind the House that a large measure dealing with the licensing question generally had been undertaken by the Government, and that it was much more desirable that any changes which it might be found desirable to make should be made by its means rather than in a temporary and discursive manner.

After a few words from MR. MONTAGU CHAMBERS and MR. ALDERMAN LUSK in support of, and MR. PEASE against it,

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided*:—Ayes 35; Noes 68: Majority 33.

MR. ALDERMAN W. LAWRENCE said, there was another clause which he wished to submit to the House. Under the existing law premises used for purposes of trade were exempt from inhabited house duty although a servant resided there merely for purposes of protection. But the Inland Revenue Department held that if a solicitor, an architect, an engineer, or any professional man occupied offices in a block of buildings otherwise exempt, such occupation not being for the purposes of trade, rendered the whole block liable to duty. Under these circumstances solicitors and professional men would be driven out of the chambers they occupied if the house duty were to be imposed. In order to obviate all difficulty for the future he moved the insertion of the following clause:—

(Exemption of houses occupied partly as a warehouse, &c. from Inhabited House Duties.)

"Whereas doubts have arisen with respect to the exemption from Inhabited House Duties (under the Act thirty-second and thirty-third Victoria, chapter fourteen, section eleven) of a house occupied partly as a warehouse or shop or counting-house, and partly as an office for a solicitor or architect or engineer, or for a person engaged in other professional pursuits, and in which house a servant or other person dwells for the protection thereof, Be it enacted, That, from and after the fifth day of April, one thousand eight hundred and seventy, every such house as aforesaid shall be exempt from Inhabited House Duties, whether such house be partly or wholly occupied for professional or trade purposes, when a servant or other person dwells therein for the protection thereof."

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE CHANCELLOR OF THE EXCHEQUER said, he would answer the clause instead of the speech of the hon. Gentleman, for the former he could understand, but the latter he could not. The clause, in effect, proposed that if a house were occupied by a professional man all day and by a servant at night—circumstances which constituted the strongest grounds for taxing it—it should, therefore, be exempt from duty. He was reminded by hon. Friends near him of the case of

Box and Cox, which was very nearly that defined by the clause.

Sir JAMES LAWRENCE expressed surprise at the inability of the Chancellor of the Exchequer to comprehend the meaning of the clause itself, which was framed in almost the same words as the clause of the Bill of last Session, which was evidently intended to relieve such houses from the inhabited house duty. The proposed clause was not new, except so far as it sought to interpret the existing law, and to put an end to the litigation and the annoyance occasioned by the sudden action of the Revenue authorities in exacting house duty in cases in which it had never been intended to be imposed.

Mr. WATKIN WILLIAMS considered that the clause went farther than was intended by the hon. Gentleman who had framed it, because it really said that by reason of a servant occupying a house at night such house should be exempt from the duty.

Mr. M. CHAMBERS said, he was of opinion that the clause was drawn up by a man of business, and was perfectly intelligible. Was it right, he asked, that a house otherwise exempt from this duty should, from the fact of a policeman or other guardian being hired to protect it at night, be made liable to the inhabited house duty?

Mr. Alderman W. LAWRENCE said, he would withdraw the Resolution. He might not have drawn it correctly; but he had proved a grievance, and he would leave the matter in the hands of the Government.

Motion and Clause, by leave, *withdrawn.*

Bill to be read the third time *Tomorrow.*

## SLIGO AND CASHEL DISFRANCHISEMENT BILL—[Bill 139.]

(*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue.*)

SECOND READING.

Order for Second Reading read.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse), in rising to move that the Bill be now read a second time, said, in 1868 two candidates of opposite politics stood for Sligo, and that Major Knox was returned; but, a Petition having been presented, Judge Keogh decided that the election was void on the ground of corrupt practices of which persons by name were guilty. The Judge reported that several persons not named had been in the habit of applying to Major Knox for money, in consideration of their agreeing to vote for him or refraining to vote for his opponent. The learned Judge said in his judgment—

> "The measure of the corrupt practices of Sligo, I have no hesitation in saying, is full. In every description of corrupt practices, especially in intimidation, it appears to have attained a bad pre-eminence."

After that decision a Royal Commission was issued on the 23rd of June, 1869. Having made its inquiries it reported that at the last three elections corrupt practices had extensively prevailed in Sligo, and that the absence of corruption at the election of 1859 was due to the circumstance that one of the candidates had no money and that the other came forward reluctantly. At the election of 1860 three candidates came forward — Mr. M'Donogh, Lieutenant-Colonel Tennison, and Mr. Somers. Lieutenant - Colonel Tennison retired after the day of nomination, and Mr. Somers polled very few votes—so that Mr. M'Donogh was practically returned without opposition; but, notwithstanding this, corrupt practices extensively prevailed. That election cost Mr. M'Donogh £1,350, of which between £800 and £900 was spent in bribery, and after the election about £470 was distributed among about 14 voters. At the election of 1865 extensive bribery was reported to prevail; the names of the persons bribed were to be found in the Schedules to the Report, so far as they were discovered; and so in 1868, though the number of persons bribed appeared to be smaller than at previous elections. This, however, was not owing to the increase of electoral purity in the borough, but to the fact that, for obvious reasons, the usual practice in Sligo was not to pay money until some time after the election, and after the time for petitioning had expired. The Commissioners, indeed, reported that large numbers of persons were expecting money. The Government did not desire to make this a political question or a party one. They had introduced the Bill, because they felt that, if they had not done so, the sending of Commissioners to report on corrupt practices would in the case of

Sligo and Cashel have been a mere mockery. With regard to the former borough, it might be urged that if they disfranchised it, the western sea board of Ireland, from Galway to Londonderry, so far as the towns were concerned, would be unrepresented. He was aware of that; but the more important the town the more necessary was it to make an example of that town where the corrupt practices were shown to have widely prevailed among the constituency. In the case of Cashel, it was only necessary for him to particularly refer to two elections—those of 1865 and 1868. In 1865, there were two candidates, Mr. O'Beirne, and Mr. Lanigan. The number of persons who voted was 109, and 32 of them were reported as having been guilty of corrupt practices. The last election held in the borough was in November, 1868, when the candidates were Mr. O'Beirne and Mr. Munster. Mr. O'Beirne was returned, but was unseated on Petition. The Judge reported that corrupt practices extensively prevailed. A Commission was issued, and the Report of the Commissioners was the foundation of these proceedings. The number of persons who voted at this election was 184, and of these 77 were reported as corrupt. The Report stated that the election was conducted in a corrupt manner on the part of both the candidates. In one shape or another—in one or other of the Schedules—fully one-half of the constituency was implicated in the corrupt practices, and the House might come to the conclusion that if the truth could have been fully elicited a considerable percentage of the remaining half would also have been added to the names in the Schedules. Under these circumstances the Government had only one duty to discharge, and that was to ask the House to read the Bill a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Solicitor General for Ireland.*)

Colonel FRENCH protested against the course taken by the hon. and learned Gentleman. For the purpose of confusing those listening to him, he jumbled together two matters perfectly distinct and separate from each other—the opinion of a Judge and the Report of a Commission—neither of which separately would justify the harsh and vindictive course he was directed to pursue in relation to the borough of Sligo. The statement of Mr. Justice Keogh related entirely to the intimidation proved before him to have been carried on at the last election for that town—" That in Sligo the cup of iniquity was full to the brim;" it had no relation to bribery, as but four cases had been brought under his notice. This sentence had been three times quoted by the hon. and learned Gentleman, whose stock of ammunition was not over abundant. Two of the Commissioners only signed the Report; the name of the Chairman was not attached to it. The conclusion they arrived at was not borne out by the evidence—they reported as bribed persons those who contradicted on oath the charges against them. They reported one candidate to have declined standing, on being told that a sum of money to pay some voters would be necessary to secure his success. They did not examine this gentleman. He (Colonel French) was assured that this gentleman had left Sligo without making any communication to his committee, who felt certain of returning him—without any bribery—had he remained and gone to the poll. He did not rely on his own opinion as to the insufficiency of the evidence; he had spoken to several barristers ranking very high in their profession, who fully agreed with him. On an average, not 4 per cent of the 530 voters in Sligo were implicated; there was no precedent for the disfranchisement of a borough under such circumstances. In Norwich, where the report of bribery was far more extensive, it was not even thought of. Ireland, which in justice should have a large increase, was to be deprived of two votes by a Parliament professing, in words, a great regard for her interests, but taking the first opportunity of striking her a blow. How was Ireland dealt with in the last Reform Bill? Whilst a reduction of the franchise from £50 to £12 was given to England and Scotland, Ireland was refused a reduction of £4, although the late Sir Robert Peel declared her fully entitled to it. Scotland got seven additional Members. Ireland, since the meeting of the present Parliament, has been kept with three less than her number—two of whom, by this Bill, are proposed to be permanently swept away. By the

Acts of 1866 and 1867, England had one representative for every 41,000 of population, Wales one for every 38,000, Scotland one for every 52,000, Ireland one for every 56,000. The English counties had a Member for every 58,000, the Scotch one for 56,000, the Irish but one for every 78,000. Ireland returned but 64 Members for her 5,000,000 of inhabitants. Had these counties been in England they would return 86 Members. Ten counties in England returned six Members each; 13 English counties, with a population from 150,000 to 300,000, returned four each, while the largest of the Irish counties only sent to Parliament two Members each. He (Colonel French) attempted to remedy this state of affairs. The Liberals had a very large majority brought up to support the addition of seven Members for Scotland, and to keep her nomination counties. Sutherland, with their sanction, continues to send a representative for 300 electors; but, when Ireland required their assistance, no majority was to be had. The hon. and learned Gentleman stated the addition to the character of the Government under which he serves for honesty, impartiality, and firmness this Bill will bring them—the very reverse of this will be the case; they are now looked on with distrust —which they may manage to change to dislike, but no credit could they look for from any section or party in Ireland for their wanton attack on the only stirring trading community in the West of Ireland. Connaught, entitled to a fourth of the representation of Ireland—26 Members—now sends but 13, one of whom they sought to destroy—by numbers they might do so—but their victory would not be one for the Government to plume itself on. He asked leave to move the Amendment of which he had given Notice.

Mr. O'CONOR seconded the Amendment. The Judge who tried the Petition of 1868 examined 80 witnesses, and reported that he had only been enabled to discover 15 electors who had been guilty of taking bribes; but that 40 others might have taken bribes if they had been offered. He thought it was only just to take into consideration the last election of 1868, and that alone, and that it would be unjust to disfranchise those persons who were not actually guilty of corrupt practices. Sligo was as great a borough in Ireland as Norwich was in England, yet the Government had not ventured to disfranchise Norwich. He demanded that the same principle should be applied to Sligo as had been applied to Norwich. They had, in fact, no right to disfranchise Sligo.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "inasmuch as the evidence taken before the Royal Commission establishes the fact that corrupt practices did not extensively prevail at the last Election for Sligo Borough, only 14 voters out of a constituency of 520 having, after a most protracted inquiry, been proved guilty of any such practices, the Report of the Commissioners, so far as regards the last Election, was not justified; and, under these circumstances, the House considers the disfranchisement of the Borough should not take place,"—(*Colonel French,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. WATERS said, that having been at the head of the Commission which reported against Cashel, he did not intend to vote upon the question. Compared with other constituencies, he did not think that Sligo had been proved deeply tainted with corrupt practices, as far as bribery was concerned. He found that, in the case of Norwich, 14 per cent of the constituency had been proved to be guilty of bribery, and the bribers only were punished; in the case of Sligo 13 per cent of the constituency had been found guilty of bribery, and the whole borough was disfranchised. The Solicitor General for Ireland relied on the fact that 60 out of 91 corrupt electors in 1865 remained on the register; but it seemed to him that if these corrupt electors, or, rather, those still in the borough, had mended their ways, the result was rather in favour of lenient treatment of the case.

The ATTORNEY GENERAL said, the distinction between the cases of Norwich and Sligo was a very simple one. In the latter case, it was reported by the Commissioners that at the last three elections corrupt practices extensively prevailed; whereas, in the case of Norwich, the Commissioners reported that such practices did not extensively prevail. That distinction was a very material one; and he thought the only course open in the case of Sligo was that of disfranchisement. The present case seemed to him to be entirely governed by former precedents. The hon. Member said that 14 per cent of the Norwich voters were found guilty of bribery; but the real number was 184 in a constituency of 12,000.

Mr. RAIKES thought that the Government were scarcely justified in singling out for condemnation Sligo and Cashel, against which but few Petitions had been presented. He asked the House to consider that in Ireland there were 30 boroughs with a population of less than 70,000, returning 13 Members, and that they were asked to disfranchise a borough which contained 12,000 or 13,000, in which only 14 persons were reported to have been guilty of bribery. He thought the House should pause before disfranchising Sligo and Cashel—leaving Youghal and other boroughs, equally corrupt, unscathed.

Mr. MONTAGUE GUEST said, he would answer several remarks which had been made about the unfortunate borough of Youghal. It was very hard that Youghal should always be picked out for animadversion. No one could show that Youghal was guilty of corruption at previous elections; and even at the last election it was found guilty, not of corrupt practices, but simply of a small trifle of treating. He must protest against the practice of crying down Youghal.

Mr. COLLINS said, that he moved last year for the appointment of a Commission to inquire into the existence of corrupt practices at Youghal, where £5,000 had been expended in treating. The circumstance of that Commission not being appointed was no reason why Cashel and Sligo should not be dealt with. He believed that all three boroughs were a disgrace to the representation of Ireland; and that the sooner they were disfranchised the better. If a Division was taken he should certainly vote with the Government.

Question put.

The House *divided*:—Ayes 158; Noes 23: Majority 135.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

### TRUST FUNDS INVESTMENT BILL.

On Motion of Sir Roundell Palmer, Bill to amend the Law as to the investment on real securities of Trust Funds held for public and charitable purposes, *ordered* to be brought in by Sir Roundell Palmer and Dr. Ball.

Bill *presented,* and read the first time. [Bill 168.]

### RENTS AND PERIODICAL PAYMENTS BILL.

On Motion of Sir Roundell Palmer, Bill for the better apportionment of Rents and other Periodical Payments, *ordered* to be brought in by Sir Roundell Palmer and Mr. Amphlett.

Bill *presented,* and read the first time. [Bill 169.]

### LOCAL GOVERNMENT SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. Knatchbull-Hugessen, Bill to confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Merthyr Tydvil, *ordered* to be brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 171.]

### PROCESSIONS (IRELAND) BILL.

On Motion of Mr. Chichester Fortescue, Bill to amend the Law relating to certain Processions in Ireland, *ordered* to be brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.

Bill *presented,* and read the first time. [Bill 170.]

### ABSCONDING DEBTORS BILL.

On Motion of Mr. Morley, Bill to amend the Law relating to Absconding Debtors, *ordered* to be brought in by Mr. Morley, Sir John Lubbock, and Mr. Barnett.

Bill *presented,* and read the first time. [Bill 172.]

House adjourned at quarter before One o'clock.

## HOUSE OF LORDS,

*Friday,* 17*th June,* 1870.

MINUTES.]—Public Bills—*First Reading*—Protection of Inventions * (142); Magistrates in populous Places (Scotland) * (143).

*Second Reading* — Ecclesiastical Dilapidations (No. 2)* (114); Pier and Harbour Orders Confirmation * (110); Jewish United Synagogues * (137); Saint Olave, &c. Charities * (138); Irish Land (122).

*Committee* — *Report* — Appellate Jurisdiction * (136-144).

*Report*—Churchwardens Liability * (101); Sequestration (116-145); Union of Benefices Amendment (1870) * (140).

*Third Reading* — High Court of Justice (135), and *passed.*

*The Attorney General*

## HIGH COURT OF JUSTICE BILL.

(*The Lord Chancellor.*)

(NO. 135.) THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3ª."—(*The Lord Chancellor.*)

LORD DENMAN said, he rose to propose the Amendment of which he had given Notice, that the Bill be read a second time that day three months. He had done so on what he thought the very reasonable ground that, inasmuch as they were about to abolish all the ancient Courts of the land, it was only proper that they should wait until the Bill by which the general rules of procedure were to be declared, and by which the new judicature was to be governed, had been assented to by Parliament. Moreover it would be useless to bring this Bill through their Lordships' House, for the legal Members of the House of Commons were just about to leave in order to go on circuit. If this was not done the Courts and their regulations might be abolished, and no distinct course provided for. He quoted from a work by the late John George Phillimore on the Roman Law, which found fault with every branch of the administration of justice. He (Lord Denman) did not entirely agree with him; but he thought it a serious matter to alter every well-known precedent for the sake of adopting the system possibly of that which the same late learned author called the unreformable Court of Chancery.

Amendment *moved* to leave out ("now") and insert ("this day three months.")—(*The Lord Denman.*)

THE LORD CHANCELLOR said, he would not now repeat what he had said on former occasions—especially as a very important subject was about to come on. He could assure the noble Lord that no disrespect was intended by the Bill to the Common Law Courts, or to the eminent Judges who presided in them, and he had at previous stages adopted various Amendments that had been suggested by noble and learned Lords.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative;* Bill read 3ª accordingly.

THE MARQUESS OF SALISBURY moved to omit Clause 7 (Salaries of Judges of High Court). The clause, while it continued to the existing Judges the same salaries as they at present enjoyed, proposed a new scale for the future, by which the salaries of the future Chief Justice of the Common Pleas and the Chief Baron of the Exchequer were reduced to £6,000 per annum, and those of the Lords Justices to £5,000 per annum. This proposed reduction in the salaries of the Judges had no connection with the fusion of Law and Equity, and he hoped it would not be persevered in. Nor was it altogether consistent with the understanding that these minor details should be left until the questions of principle had been decided, and it was known how the change would work. The position of our Judges had always been a subject of great jealousy with our statesmen: and if it should appear that any reduction in their salaries was required, it was a question which should originate with the House of Commons. The independence of our Judicial Bench had always been a subject of great national pride, and it was in some degree attributed to the liberality with which the distinguished men raised to it were remunerated. At a time when expenses of all kinds were increasing, when wealth was increasing, and when the earnings of distinguished barristers were constantly rising, it was a serious step to reduce the salaries of those to whom we looked for the protection of the fortunes and lives of Her Majesty's subjects.

THE LORD CHANCELLOR said, the reduction, as he explained on a former occasion, would only operate in two cases. The Master of the Rolls not only exercised judicial duties in the Court of Chancery, but had other important functions, which the noble and learned Lord (Lord Romilly) had so effectually discharged by the publication of the public records; but, though superior in rank to the Lord Chief Justice of the Common Pleas and the Chief Baron of the Exchequer, his salary was £6,000, while theirs was £7,000. It was considered desirable, when transferring him to the appellate jurisdiction, to correct this anomaly. The salary of the Lord Chief Justice of England would not be interfered with. The unwillingness of the late Lord Kingsdown to accept the office of Vice Chancellor, which was attributed by the noble and learned Lord (Lord Romilly) to the inadequacy of the salary, he believed was owing to the possession of a considerable fortune, which induced him to give his valuable services to the Judicial Committee in preference to the Court of Chancery, where his duties would have been more unpleasant, there being the necessity of constantly attending chambers.

LORD CAIRNS said, he would not repeat the objections he had already urged against the clause; but having been informed by competent authorities that it would be struck out as soon as it left the House, as a matter touching the privileges of the Commons, he objected to its being now retained for the mere purpose of intimating to the Commons the arrangement which they would be prepared to sanction. He hoped his noble and learned Friend would consent to do at once what would otherwise be done two minutes hence by a power beyond his control.

LORD WESTBURY urged the desirability of giving larger salaries to the Chiefs of the different Courts, in order that the other Judges might be encouraged to aspire to promotion. He thought that, if the salaries of the Chiefs of two of the Courts were reduced, the logical inference was that the salaries of the inferior Judges should be reduced also. He hoped the clause would be struck out.

THE LORD CHANCELLOR said, he was willing that the clause should be expunged, as well as all the money clauses which would otherwise be struck out on the Bill going down to the Commons as irregular. His reason for inserting them was, that he did not think it right to keep in the background any of the changes which it was proposed to make. The question, however, had better go to the Commons entirely unprejudiced, as it would there be more fitly considered.

THE MARQUESS OF SALISBURY hoped that when the Bill came back to their Lordships the question would not be passed over as a matter of course.

Clauses *struck out:* Amendments made.

Bill *passed,* and sent to the Commons.

### PROTEST

### *Against the Third Reading.*

*DISSENTIENT:*

"1. Because in Clause 2. the division of the so-called High Court of Justice for the convenient despatch of business into five divisional courts, to be styled respectively the Court of Chancery, the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, and the Probate, Divorce, and Admiralty Court (excluding the name of the Rolls Court), and the uncertainty caused by the words in the third line of the second page, 'or to be otherwise styled in such manner as Her Majesty may, by Order in Council, from time to time determine,' and 'each of the said courts shall be presided over by a Lord President,' is no improvement on the well known division of business now relied upon by suitors; whilst the grouping together of judges, several of whom at present sit alone, is a waste of power which is unnecessary, and because the names of the heads of each court are now well known, and their duties defined, the transfer of equity jurisdiction to them may induce the framers of rules to introduce the system of Bill and Answer into courts in which the pleadings have become every year less complicated, and in such case the alteration of the system of our ancient courts will cause great delay and uncertainty.

"2. Because some such improvement as the procedure in petitions of right (simplified by Lord Westbury) is needful to be known by the public before a sweeping change in Common Law Procedure is hastily projected.

"3. Because if only one judge sit at all times to try civil causes, and only one judge for criminal causes at all times of the year, with the exception of legal vacations, there will be danger of having a divided bar, unless great care be taken to prevent the clashing with circuits.

"4. Because the Report of the Commission upon which this Bill was founded was considered by the Law Amendment Society as the production more of a small cabinet of lawyers than of representatives of the general feelings of the Bench, the Bar, and the Legal Profession.

"5. Because the Incorporated Law Society, in their last petition, attach great importance to the formation of a code which should inform the profession what course should be adopted in procedure, and do not desire indefinite improvement.

"6. Because also the Incorporated Law Society have just fears of the provision for compulsory arbitration, especially by men unacquainted with the law, whose awards may not be made in a binding form; and the temptation to refer causes being very great, some check should be imposed, if not equal to the present right by either side to refuse his consent to a reference, yet sufficient to prevent the plaintiff from wishing in vain to withdraw his record, and the defendant from submitting to injustice rather than incur the expense and delay of arbitration.

"DENMAN."

## SEQUESTRATION BILL.—(No. 116.)

(*The Lord Bishop of Winchester.*)

### REPORT.

Amendments *reported* (according to Order).

THE BISHOP OF WINCHESTER said, he was indebted to the noble and learned Lord (Lord Cairns) for some Amendments necessary to make the Bill harmonize with the Bankruptcy Law, and these he proposed to adopt. Other

Amendments suggested by his noble and learned Friend he could not adopt. Although, no doubt, they would remove some anomalies, they would not promote the object which he, and he believed their Lordships also, had in view—namely, the removal of the scandal occasioned by sequestrations, and the assertion of the principle that the endowment was primarily for the benefit of the parishioners, and only secondarily for that of the clergyman. These Amendments he could not therefore accept, and if they were adopted he should be obliged to throw up the Bill.

Lord CAIRNS said, he could not allow the Bill to pass this stage without protesting against some of its principles, which he thought went much too far. The Bill would remedy the great defect of the existing law by allowing the Bishop to appropriate an unlimited portion of the income of the sequestered benefice to the spiritual necessities of the parish; but he objected to the clauses which made bankruptcy compulsory in the event of a clergyman being involved in difficulties, even though the creditors might be willing to accede to a compromise. This, he feared, would create a greater scandal than it removed, for bankruptcy would be a greater scandal than sequestration. He must also protest against the clauses which enabled Bishops and Archbishops, in cases where a beneficed clerk has been adjudged bankrupt, and shall fail to obtain his discharge within two years of adjudication, without any legal proceedings, summarily and without further process to declare that the bankrupt has forfeited his benefice. If a clergyman charged with drunkenness or immorality was tried before the proper tribunal, from whose decision either party could appeal, the penalty was two to five years' suspension; now, the misfortune or offence of bankruptcy was surely a more venial one, and it was not just, therefore, to empower the Bishop, or on appeal, the Archbishop, acting at his pleasure, without any judicial process, to visit it with forfeiture of the benefice. He could not allow the Bill to proceed without protesting against the introduction of a system of discipline which the country would be loth—to say the least—to see established.

Amendments made; Bill to be read 3ª on *Monday* the 27*th instant*, and to be *printed* as amended. (No. 145.)

## IRISH LAND BILL—(No. 122.)

(*The Earl Granville.*)

SECOND READING. ADJOURNED DEBATE.

Order of the Day for resuming the Adjourned Debate on the Amendment to the Motion for the Second Reading [which Amendment was, That the Bill be read a second time this day six months (*The Lord Oranmore and Brown*)], read; Debate resumed accordingly.

Lord LURGAN said, that having a very grateful recollection of their Lordships' indulgence when he first had the honour of addressing them, it would be ungenerous for him to trespass on their attention at unnecessary length. He agreed, indeed, with what fell the other night from the noble Duke the leader of the Opposition (the Duke of Richmond) that their Lordships' time and patience had been considerably tried in listening to the claims and in endeavouring to redress the grievances of that portion of the kingdom to which he (Lord Lurgan) belonged. As an Irishman, he tendered his cordial acknowledgments for what their Lordships had done for his country, and for what had been done for it in "another place;" and he entertained a strong feeling that, at no distant period, the sentiment of gratitude towards the British Parliament, irrespective of party or politics, would be more frequently and more warmly expressed than hitherto. The present Bill, after undergoing full discussion "elsewhere" for several months, had come up to their Lordships in such a manner as to leave no doubt that it had received the favourable verdict of the country; but it was natural that, although the Bill was safe to pass the critical stage of the second reading, so many noble Lords should have desired to speak upon it—for who could be so fit to criticize the details of the Bill, than men whose knowledge of the subject, through their extensive experience in the management of their own estates, must be so profound? Though his own experience was limited, and his property very small compared with many of their Lordships, he entreated their indulgence while considering the Bill from an Ulster proprietor's point of view. Candour compelled him to state at the outset that he was a strong supporter of the custom of that Province, which he had frequently seen tested, and had never known to fail. Hence he had listened with great interest to the speech of the noble Duke (the Duke of Abercorn), with the greater part of which he most cordially concurred. The noble Duke's opinion naturally carried great weight in Ulster, where he was deservedly respected; and his able advocacy of their provincial custom entitled him to the thanks alike of landlords and tenants, who must rejoice at having found so excellent a champion. Now, the system known as Ulster tenant-right was an important feature of this Irish Land Bill; for, by the 1st clause, the usages known as the Ulster custom were declared legal, and, by the 2nd, usages in other Provinces which in all their particulars were essentially analogous to the Ulster custom were also acknowledged and legalized. The principle of compensation for disturbance contained in the 3rd clause, which had excited so much alarm, was simply the enactment, within limits, of that principle of compensation for goodwill which had so long formed an element of the Ulster custom; and the principle of recognizing the tenants' claim for improvements was another element of the Ulster custom, under which the tenant's improvements had always been recognized by the landlord. So also the machinery of the Bill, its provisions for arbitration, its Equities Clause, and its local tribunals, were all based on that system of tenant-right which was frequently misunderstood and misinterpreted, but than which, where it was properly understood and legitimately interpreted, he said, without hesitation—the peculiar circumstances of the North of Ireland being duly considered—nothing could work better for the landlords, the tenants, and all classes concerned. He had formed that opinion from the experience he had acquired on his own property and also from the adjoining estates, with the mode of managing which he was thoroughly cognizant. He also asked, could there be any real objection to the legality of the Ulster tenant-right being recognized? As far as the recognition of tenants' improvements, effected either by themselves or their predecessors, there had been, ever since the Devon Commission's Report of 1845, a strong feeling in favour of recognizing such usages. And that was not confined to Ulster alone; for, as he understood, in England the various usages of different districts and different estates were recognized, provided only they were reasonable. So far, the English and Irish systems were analogous; but then he came to that which he admitted was peculiar to Ireland—the principle of compensation for goodwill or disturbance. Some were inclined to disregard that principle. To such he would say—"Remember the difference between the history of England and the Plantation of Ulster." The Plantation of Ulster was effected in the reign of James I. The parties who obtained grants of land were usually the younger members of the English and Scotch aristocracy and landed gentry; they were accompanied by artizans and farmers, and, taken together, were about equal in population to the native Irish—a proportion which had been roughly observed up to the present day. For the government of that Colony King James I. introduced every English institution save one—the English Poor Law. And whether it was that that Poor Law had only been established since 1601, or but two years prior to his accession, or whether it was that the only poor who were expected to exist in that Province were the native Irish—and in the policy of that time it was not deemed expedient to give them rights similar to those enjoyed by the like class in England—the remarkable fact remained that for more than two centuries the Ulster Plantation existed without the English Poor Law. To that circumstance, in his mind, might be attributed the historical origin of the payment for goodwill. There being no Poor Law from the time of the Plantation till 1838, no new tenant would enter on a farm until the old one was provided for sufficiently either to enable him to move to a town or some new sphere of industry. That payment for goodwill was in after times increased by other circumstances. One of these was the rapid increase of the population; and there being no mineral wealth or extensive manufactures to absorb them, the people betook themselves to emigration. Under those circumstances, the disturbance of the small tenants in Ireland was to them a much more serious loss than the disturbance of the small tenants in England, and only to be met by a payment equal to the cost of emigration. There could be no doubt that the large emigration which had carried the Ulster peasantry to Canada and Australia had been defrayed out of the payments for goodwill. And right well had that usage worked as a check to arbitrary and hasty eviction, while it had also secured that such emigration should go on as was healthy and necessary at the cost of the land of Ireland rather than at the cost of the Irish tenants. It was not to be wondered at, then, that the proprietors of those estates which had remained in the same hands since the Plantation of Ulster felt themselves bound to recognize such usages, and had always recognized the payment for goodwill as well as for improvements; and they would be no more affected by the cautiously framed legislation in the 1st clause of that Bill than a gentleman whose debts of honour were made legal obligations—because, the State having made the land of Ireland liable for both the poor rates and emigration rates, it followed that the usage which recognized compensation for goodwill or for disturbance, in such a way as to lighten the poor rates or the emigration rates, was a just and reasonable usage, and in strict accordance with those principles on which English property, with its liability to support the people on it, had rested for more than two and a-half centuries, or since the 43rd of Elizabeth. The land question of Ireland was not a new one. It had frequently engaged the attention of Parliament; and as far back as 1835 a Bill relating to it was introduced by Mr. Sharman Crawford, whose name would ever remain closely and honourably associated with that important subject. Then came the Bill of 1853, which was withdrawn, the Government of that day, though willing to acknowledge compensation for improvements, not being prepared to acknowledge compensation for goodwill. He might say that all the Bills brought in from that day to this had been given up, because they did not acknowledge Ulster usages. It was not until 1860 that an Act was passed with the object of solving the problem. That legislation, however, as far as tenants' improvements were concerned, had proved a dead letter, mainly owing to the ambiguity of the language used. It provided that nothing in that Act contained should be deemed or construed to affect or prejudice any usages or customs established or existing in any part of Ireland relating to out-going or in-coming tenants—thus giving an implied sanction to that usage. But surely that was an unsatisfactory mode of dealing with a claim which in Ulster alone was represented by millions sterling. That implied sanction might have made it a matter of honour and of estate management to recognize existing usages; but it left things in this peculiar position—that the tenants claiming under such usages had to submit to have their claims decided on solely by the landlord or his agent, from whose decision there was no appeal. That naturally made the tenant frequently reflect on the arbitrary power of the landlord if he chose to exercise it. Though he would shrink—and he was sure their Lordships would shrink—from recommending any legislation which would be likely to lead to litigation between the owners and occupiers of the soil, he had no fear that the power of appeal which was given in the Bill would produce such a disastrous result. There was, he rejoiced to say, as a rule, in Ulster the very best understanding between landlords and tenants; but from various causes—whether from caprice or harshness on the part of the landlord, or from perversity on the part of the tenant — disagreements would arise, and the consequence was that there was not a county in that Province which was free from acts of arbitrary injustice. Surely it was desirable in the interests of all classes that there should be an end to such acts, and that the existing usages should be established on a legal footing. The prosperity of Ulster, as compared with the other two Provinces of Ireland, was frequently attributed to two causes —Protestantism and manfactures. Now upon both these points he should like to say a word. As regarded the Protestantism of Ulster—it was true that the Protestants formed a considerable and influential portion of the population; but the fact was overlooked that the majority of the occupiers of the soil in Ulster were Roman Catholics, and the majority of the owners of the soil were Protestants — much the same state of things as existed in the rest of Ireland, which some would have us believe was an insuperable impediment to any happy relations between landlord and tenant. That was a notion, however, which was completely out of date, and which the experience of Ulster entirely contradicted. As to the second point—the manufactures of Ulster—let it not be for a moment supposed that he would underrate the enormous advantages which the linen trade had conferred on the Northern Province. Great and undeniable those advantages undoubtedly were—and he, as a participator in them—his own property being situated in a manufacturing district — would wish that they were much greater and more extensive—yet he must say that it was owing neither to Protestantism simply, nor to manufactures simply, nor, indeed, to both combined, that Ulster was happy, prosperous, and contented. That happy state of things was owing to that feeling of security which the tenantry had that they would not be disturbed in their holdings without being paid for their goodwill as well as their improvements. He might go further, and say that if the causes on which the prosperity of Ulster had rested for more than two centuries had existed in the rest of Ireland, we should have found a similar degree of prosperity and contentment. It was owing to the want of such security in the other Provinces that in the years after the famine so much unhappiness was caused by eviction and forced emigration, and that the bitter feeling from which Fenianism had since been engendered had arisen. True it was that evictions were now much rarer than in the years after the famine; but then the public mind was much more sensitive on the subject, and the feeling of discontent was much greater at the failure of the existing law to insure adequate protection. Legislation, which had been a matter for talk in 1866 and 1867, had now become a matter of paramount necessity, and the question for their Lordships to decide was, whether anything was to be done this Session or not. That was truly a momentous question, which he was sure would receive grave consideration from their Lordships. He would earnestly beg that this measure should meet with such a favourable reception at their hands as to insure that before the end of 1870 the Connaughtman, in his little holding by the shores of the Atlantic, might no longer fix his eyes, as he was prone to do, on the Far West as the only quarter from which he could hope to derive comfort or consolation; but that when it was brought home to his mind that the blessings which he was enjoying were conferred on him by the British Parliament, he shall be forced to exclaim—"The law may have been strained against me in former times; the law is now rather strained in my favour. Let it be my duty, as it is my interest, to obey the law." And now a few words as to the labourer. The noble Duke who closed the debate on the previous night (the Duke of Abercorn), had expressed his belief that while this measure would give temporary partial contentment to the occupier of the soil, it would place the labourer in a worse position. With all deference to the noble Duke, he held the opposite opinion. He found that in 1868, while the poor rates in Ulster were only 8½*d.* in the pound, they were in Munster 1*s.* 2½*d.* He ventured to think that a system which had produced so much good in Ulster would not be attended with disastrous results to the labourer in Munster. But the special benefit that would be conferred on the agricultural labourer would arise from the increase in the rate of wages, and as his wages increased his status in society would be improved; he might in time have an opportunity of purchasing a farm, and so of coming directly under the advantages of the Bill. He came now to the case of the landowners, and here their Lordships would give him credence when he said that he would not join in any procedure likely to injure that body, for if they were either aggrieved, ruined—nay, robbed, as some said—he must share the same fate. Now, though he was perfectly satisfied to make great sacrifices for Ireland, he was not prepared to become a political martyr. He asked their Lordships to pass this Bill for the benefit of Ireland generally. True, it was, that some of their Lordships in the South and West of Ireland might have to accept some heavy responsibilities, and to incur some charges which were new to them, but not new to the landlords in the North; but he asked them to do so in the hope that before long the Provinces of Leinster, Munster, and Connaught would be, as they ought to be from their better climate and more fertile soil, superior to Ulster. He asked their Lordships to pass this Bill in its present form, because he firmly believed that the Government, in endeavouring to arrive at a solution of this important question, had taken up, not the vain ideas of the fevered imagination of political enthusiasts, but rather those usages and customs which had produced in Ulster peace, prosperity, and contentment.

LORD DUNSANY said, that after the protracted debate to which their Lordships had already listened, he would endeavour not to repeat any argument which, so far as he knew, had been already addressed to their Lordships. But there remained one argument of great cogency, which he would press with great confidence on the noble Earl opposite (Earl Granville), because he believed—after the assurance the noble Earl gave last Session, that he would not support any measure involving an invasion of property — that if he (Lord Dunsany) could show that this Bill not only was a great, but in many cases would be—he used the word advisedly—an intolerable invasion of property, the noble Earl would so far modify its provisions as to make it accord with the promise he had made to the House. It was, perhaps, a disadvantage to Ireland on this occasion that it was divided into North and South. This had been shown very strikingly by the speech of the noble Duke (the Duke of Abercorn), who last night addressed their Lordships from that side of the House. The noble Duke was naturally supposed to have Conservative views on this Bill; but he spoke from the Ulster point of view; and although he was a great authority, no doubt, as an Ulster landlord, he (Lord Dunsany) certainly could not at all agree in his views. The Bill might be a very good Bill for Ulster; but he did not believe there was any landlord in the South that approved of it. They had very little option in the matter — they were very much in the position of their unfortunate countrymen who were called on the other day to pay ransom; but though they were ready to pay they could not be expected to approve the principle of paying it: they must submit to their fate. The Bill was a very great, though perhaps a necessary evil; and, as circumstances stood, he did not see how Her Majesty's Government could have introduced a better or more moderate measure. But who had created the necessity for it? Who had promoted the agitation that had rendered such a measure necessary? He believed that it was the Liberal party who were most to blame — it was they who had excited all this agitation, and the circumstances that had called for it had been created by themselves. There was one argument which had struck him with great force. He would put it in his own way. He would suppose the noble Earl opposite (Earl Granville), having perfect confidence in the provisions of his own Bill, and having heard a great deal about improving tenants in Ireland, was so fortunate as to secure an Irish tenant on his own property in Staffordshire. The noble Earl might, perhaps, locate him somewhere within sight of his own residence, on a holding of less than £100 a year of rent. After an absence of some months in the discharge of his duties in that House, the noble Earl might, on return to his estate, observe from his windows some hideous excrescences in the shape of cottages which had grown up under the "wigwam" clauses of this Bill. He would naturally inquire what these were, and would be told they were Mr. O'Rafferty's improvements. He might wish to get rid of the improvements and of the improver; but, under this Bill, he would have to give him 23 months' notice. This simple-minded, ingenuous Irish tenant, who, under this Bill, was restrained from contracting, would not leave his holding until the notice had expired, and then would demand compensation for those abominations in the shape of improvements; the noble Earl would then probably regard the rights of property in a very different aspect from that in which he viewed them by the light of this Bill. Or, perhaps, the tenant, in the noble Lord's absence, had broken up grass land, in spite of the most stringent covenants to the contrary; if the noble Earl, on his return, complained of this proceeding, in reply to all his complaints, the tenant would refer him to the 4th clause of the Bill. Under the Bill, any tenant would be at liberty to break up grass lands, notwithstanding all agreements or covenants to the contrary. If that was not an invasion of the rights of property, what on earth would constitute an invasion he really did not know. He knew something about grass lands himself; and he assured their Lordships that he would not for £20 an acre allow a tenant to break them up. The value of grass lands in Ireland, as every Irishman knew, depended on the age of the pastures; this gave them a value which they could acquire from nothing else. So that the Bill gave power to the tenantry to break up, and, in his opinion, absolutely to ruin, the land; and yet this was held to be no invasion of the rights of property. He had always imagined that among the first incidents of property was the right to enter upon one's own land; but the Bill forbade this until a premium of seven years' rent had first been paid. The noble Duke opposite did not deny that this provision involved an infringement of the rights of property; he merely said that other things which had already been sanctioned were also invasions of the rights of property. A habit had grown up of bringing vague and purposeless charges against the Irish landlords. If definite charges were capable of being sustained, by all means let them be advanced; but let them at least be couched in some definite and tangible shape. The argument to be just ought to be in this form—Irish landlords are exceptionally felonious, and, therefore, they require exceptional legislation to restrain them. Merely to say that among the class of Irish owners, there were some few who were dishonest, or drunken, or downright vicious, was what might be said of any other class whatever. In any class there would always be found men who were less honest than the majority. When, however, they came to the actual facts, how did the evidence stand? Why, the evidence showed that the large body of Irish landlords were absolutely exempt from the charges that had been so unjustly brought against them. Irish landlords, as a class, were given to hospitality, and their estates in consequence were often encumbered; and hence it might be supposed that a tendency on their parts to raise the rents was inevitable. But the noble Earl who opened the debate told their Lordships that in no civilized country in Europe were the rents so low as in Ireland. In Mr. Gladstone's speech he had expected to find the most authentic charges that could be brought against the Irish landlords; but though Mr. Gladstone had been pleased to assist the reader by marginal annotations, making it easy to refer to any passage of his speech, all he had been able to find was that, while in Ireland the rents had doubled in about 90 years, in England they had trebled, and in Scotland they had increased six-fold. But so far from these matters being matters of complaint against the Irish landlords, he (Lord Dunsany) looked upon them rather in the light of exculpations. What, again, was the best proof of a man's trustworthiness but the extent to which he was trusted? It had been stated in the present debate—though he thought somewhat erroneously—that, under the existing law, improvements had been made by the tenants chiefly holding under tenancies-at-will, to the extent of no less than £50,000,000. Now, these improvements depended solely upon the honour of the landlord. Another of their greatest exculpations was the inconsistency of the charges made against them. One of the gross inconsistencies of argument upon which this Bill depended was, that no security existed at present, and that, without security, the tenants would not improve; while, in the very same breath, the Bill proposed that all improvements wherever found should be deemed to have been made by the tenant. This reminded him of the old story about the pitcher—that it was cracked when it was borrowed, was whole when it was returned, and, moreover, that it never was borrowed at all. The reasons advanced in support of the Bill were altogether unsound; at the same time, he was far from saying that no good reasons for passing any measure existed. He knew well that agitation on this subject had been inaugurated by an imprudent speech in South Lancashire, and was capable of being renewed with still greater effect. Nevertheless the same arguments which were used in support of the present Bill, might equally have been advanced in support of a worse measure; and, on the whole, the Ministers, perhaps, were entitled to credit for bringing forward so moderate a Bill—at any rate, he thought they (the Irish landlords) had better be content with what was now offered to them than run the risk of having a worse and more sweeping measure. Her Majesty's Ministers had to please not only their Liberal, but their Ultramontane supporters, and it was one of the evils of party Government in Ireland that the Liberals were supported in Office by men who held in abhorrence every single article of the Liberal creed. The alliance might be profitable, but it was hardly safe—for it had led, among other things, to this Bill. Let them well understand what this Bill was, and not "take a leap in the dark"—let them look it fairly in the face, and recognize the consequences to which it must lead. It was absurd to say that its operation could be limited to 20 years; the part ownership which was now being given to tenants would be no less valuable 20 years hence. Nor would its operation be confined to Ireland. Agrarian agitations grew by concession, and what had been granted to hungry men in Ireland would assuredly be granted to hungry men in England also. If advantages were conferred on Irish tenants, backward in every point of husbandry, how could similar advantages be refused to English tenants, who brought skill, industry, and capital to bear upon their farms? Was it likely that English tenants would be satisfied to go away empty-handed when Irish tenants, on leaving, were to receive a seven years' rental? From the language of their representative in the House of Commons (Mr. Read), their expectations were to be plainly gathered. A Scotch tenant, as a rule, expended 10 times more than any tenant in Ireland. Yet, to a Scotch tenant, nothing was given. Would he be content? It was said that this was not merely an economical question. That was true. It was a political and an agrarian question, and one which would, he feared, attain fearful dimensions hereafter. An English writer had expressed the opinion that no kind of property could be regarded with less respect than landed property; and a French writer said that if you wished to revolutionize a country you must not content yourself with altering political institutions, and he added that in Ireland the aristocracy, by which he meant the landed interest, ought to be suppressed, and then there would be an effectual revolution. Were those wild theories to be inaugurated by the present Bill, which would be the first invasion of the rights of property ever actually passed by that House? He trusted their Lordships were not prepared to go to any such extent—he trusted entirely to the wisdom of their Lordships.

Lord GREVILLE said, that the great grievance of Irish tenants was want of security of tenure. Twenty-five years ago the Devon Commission reported that uncertainty of tenure, and want of tenure, had been the great grievance under which Irish tenants laboured. Yet since that time nothing had been done to remedy the grievance with which the Bill proposed to deal. He entirely agreed with the opinion of the Secretary of State for the Colonies (Earl Granville), in introducing this Bill that there was something in the principle of tenant-right which was congenial to the traditions and ideas of the Irish people. It was a custom which was well understood by them, which recommended itself to them, which had produced the best relations between landlord and tenant wherever it existed, and it was that which had made Ulster present a most favourable contrast to the rest of Ireland. Much might be said both for and against the custom—but this must be remembered, that Ireland was not a new country, nor could you necessarily introduce there with success a system which might have worked well under different circumstances elsewhere. Tenant-right was a custom which had worked well in Ireland, and which was well understood. Could anything be easier than to recognize and legalize that custom? After all, the wisest legislation was but the embodiment in a statute of common law and of custom, and he thought the Government had done wisely in legalizing the Ulster custom, and he regretted that they had not extended it to the rest of Ireland, for, in his opinion, that would have been a complete and satisfactory settlement of the question. A noble Lord who spoke the other evening from the Treasury Benches (Lord Dufferin) said—

> "If I were to be called upon to define the custom of tenant-right, I should describe it as a privilege acquired by certain tenants-at-will of Ulster and elsewhere to sell their interest in their farms, whether that interest represents improvements or any other marketable incident of occupation, under the same conditions as those under which they purchased it."

Well, this was exactly what he (Lord Greville) believed was understood by tenant-right in Ireland; it was that which the tenants would accept, and which he regretted was not to be extended. Under that custom Ulster had been prosperous, the landlord was sure of his rent, the tenant was sure of remaining in his occupation as long as he paid his rent; or, if he left his farm, he received full compensation for his improvements as well as for his interest in the land. The custom had proved its strength in the past, and it would be equally strong in the future, whatever efforts might be made to put an end to it. It was like the over-regulation price of commissions in the army. You might abolish tenant-right to-day, but it would rise again to-morrow, for so engrafted was it in the Irish mind that you could not possibly get rid of it. He repeated, therefore, that the Government had acted wisely in legalizing the custom where it existed, and he regretted that that they had not extended it. It had had been objected that purchasers in the Landed Estates Court were interfered with most unjustly by this Bill. He could not see that at all. It appeared to him that purchasers in the Landed Estates Court were purchasers with notice. They knew that this question was pending. It had now been agitated for 25 years. Different Governments on different sides of the House had agreed that something should be done in order to give security to tenants; and, therefore, these persons bought their estates with the knowledge that there would be legislation on the subject, and that one day or other, sooner or later, a change would be made. Besides, while a Parliamentary title was the best title in the world against persons claiming a prior title, it did not alter the position of the landlord as to the tenants who were named in the conveyance; nor as to the State, which had the right to impose the same taxation upon purchasers in the Landed Estates Court as upon all other landowners, and to subject them to the same legislation. That being so, he did not think these purchasers had any claim to exceptional treatment. It must be remembered, also, that they differed from the landlords whom they superseded. The old landlords in Ireland, with all their faults—their want of thrift, their extravagance, and improvidence—had some feeling for their tenants. There was a constant interchange of good offices between the two classes; the landlords took what rent they could get; they were not intent upon rack-renting their tenants or driving them forth upon the world to perish; but the purchasers in the Landed Estates Court had, in too many instances, invested their money purely as a commercial speculation; they looked upon it as an investment for capital, and they had no consideration for the tenants; they frequently raised the rents beyond what the tenants were able to pay, and in some instances they had actually turned out tenants who were well able to pay, without compensation for improvements made by the tenants, for the purpose of taking the land into their own hands. Their object, in short, was to exact the highest rents they could possibly obtain. As he did not wish this statement to rest upon his own authority, he would refer to the Report of the Inspectors. Dr. Brodie quoted the words of the owner of a considerable property in the Galway Union, who said there were "enough of cases to cause discontent and to prevent improvements." A nobleman who owned estates in several counties, testified by the simple answer "Yes" that there were many instances in which the tenants had lost the value of their improvements through evictions or disproportionate increase of rents. He then referred to what had occurred under purchases of land in the Encumbered and Landed Estates Court, and said—

> "Upon no other point is the testimony of all classes so unanimous as that the greatest hardships, both as regards evictions and exorbitant increase of rents, have been inflicted by purchasers in these Courts. Public opinion in their regard has undergone a great revulsion, and what was some time since praised as a boon is now decried as an evil, both on account of the injustice suffered by tenants at the hands of the new owners and the present embittered feelings of the occupiers of land against the existing land laws. Many of the purchasers in these Courts were land agents or deputy agents, farmers, shopkeepers, and attorneys. Some few were theorists, many more were speculators. The eager desire to become proprietors of land for social distinction, profit, &c., induced men to purchase more than they could pay for, and loans became a necessity. One of this class of purchasers in my district borrowed £20,000 from an insurance company. With the speculative purchasers increase of rents, as far as could be borne, was made to provide for interest on cash and loans, and for the discharge of debts incurred. Under purchases of the description mentioned evictions or exorbitant increase of rents ensued. In the present state of public opinion it seems a matter of surprise and regret that the Legislature took no heed of the rights or interests of the tenants on the estates to which the jurisdiction of the Encumbered and Landed Estates Court applied."

In a report by Dr. Roughan it was stated—

> "The instances in which tenants have lost the value of their improvements by reason of a disproportionate increase of rents are very numerous.

When new purchasers come in they, as a general rule, stripe, re-set the lands, and raise the rents to such an extent as to deprive the tenants altogether of the value of their labour. Within the last 17 or 18 years five-sixths of the properties in the Unions of Oughterard and Clifden, extending over an area of 365,710 statute acres, have changed owners. The Ballynahinch Estates, the territory of the Martins, have been purchased by a wealthy London corporation. The rents at the time of the purchase, as I am informed, amounted to £8,000 or £9,000 a year. One-third of those estates so purchased, or more, have since been resold to different parties, and yet the tenants on the remaining unsold portion now pay a rental of some thousands a year in excess of the rent paid in the first year after the purchase on the entire estate."

He (Lord Greville) did not think that such purchasers had any very great claim on the consideration of Parliament. With regard to the 3rd clause, he hoped the Government would not allow the Schedule to be tampered with, but that they would adhere to it in its integrity. It was said to be very wrong to interfere with contracts; but there were other things which were also wrong, and among them was to allow a landlord—to use an expression which had been employed by the noble Earl the Foreign Secretary—"feloniously" to appropriate the property of others. In Ireland, as a general rule, the landlord merely let the land, while the tenant erected the dwelling-house and the farm buildings, which gave increased value to the land; and what right, then, had the landlord to insist on claiming for himself extreme proprietory rights, without allowing them to be mitigated by equity and the custom of the country? It was often said that if the Irish tenant were more industrious he would be better off; but how could he be expected to be more industrious, when he knew that if he expended labour and money on his farm he must do so without the certainty of being repaid, as he might be evicted at six months' notice? He would here quote the words of a noble Lord, now no more, who was an Irishman and well acquainted with the circumstances of Ireland. In 1855 Lord Palmerston, on the second reading of the Tenants' Compensation Bill, which contained a clause giving retrospective and prospective compensation, said—

"The tenantry of Ireland, when they receive encouragement and have reason to believe that their exertions will meet with a due reward, are as much inclined to industrious exertion as the tenantry of any part of the world. Sir, the evils of Ireland are to be traced to the history of Ireland. What is that history? Why, it is the history of civil war; of rebellion; of confiscation; of wholesale and violent transfers of land from class to class; of penal laws; of the exclusion of the largest class of the nation from the ordinary privileges of social existence; of the domination of a small minority professing one religion over a large majority professing another; of laws which aggravated those animosities which political and social inequalities were, of course, of themselves calculated to produce."—[3 *Hansard*, cxxxviii. 168.]

Those words were spoken in 1855, and he (Lord Greville) was entitled to quote them in favour of the present Bill. The Government had already removed one of the grievances referred to by Lord Palmerston, and they now proposed by the present Bill to restrict the power of capricious eviction, which had been the bane of Ireland; and that this Bill would put an end to it was the opinion expressed by one of the ablest advocates of the tenant class in the debates in the other House. In this hope he should give the second reading his hearty support, and he trusted that the measure would not be returned to the House of Commons in a less favourable state than it had been received from that House, so that the effect of this legislation might be to improve the relations between landlord and tenant in Ireland, and to convince the Irish people that the Imperial Legislature was not indisposed to do them full justice.

THE EARL OF LEITRIM opposed the second reading of the Bill, which was only another step in the process of spoliation which had been commenced by the Irish Church Bill. He denied that the agitation in favour of this Bill had originated in Ireland. It had originated not in Ireland, but in this country, and was got up for the purpose of keeping the present Ministers in their places. He wished to throw back upon the speeches made by noble Lords on the Ministerial side of the House the whole odium of agitation. What was the speech of the noble Earl who had introduced the Bill but the speech of an agitator? The noble Earl recommended this Bill to the acceptance of the House on the ground that the laws of Ireland were made by strangers. Was the noble Earl going to join the Fenians?—or, what course did he intend to take? He heard with astonishment such a statement from a Peer who was one of Her Majesty's Advisers—although it would be an extraordinary one to be made by any Member of their

Lordships' House. The noble Earl followed up that argument by appealing to the Reports of the Poor Law Inspectors —a description of evidence which had been very variously used; because, on one side, those Reports had been quoted for the purpose of showing that the landlords were bad and the tenants all that was good, and, by the other, that the landlords were not so bad as they were represented to be and the tenants much worse. The noble Lord who had last addressed the House had stated that, in his opinion, the evils of Ireland—from which Ireland was suffering—were in a great measure to be attributed to the disasters the tenants were suffering owing to the Encumbered Estates Act—a statement which must have been very gratifying to the noble Earl the Secretary for Foreign Affairs. He (the Earl of Leitrim) regarded that Act as one of the most formidable inroads that ever had been made on the rights of property, and its effects had been to ruin a great number of landlords and tenants, besides injuring the money market. These disasters had been foreseen from the very first. It was impossible to estimate the amount of injury that had been done by that Act, which was always regarded in Ireland as one of confiscation, and looked upon with horror and detestation. The evils of that measure had been foretold, and every prudent man could see the injury that would be inflicted on the country by this Bill, though to what extent could not be imagined. Much reliance had been placed on the Reports of the Poor Law Inspectors; yet how were those Reports obtained? All the examination into the iniquity of landlords, and their oppression of the tenantry, was carried on throughout the country and finished in the space of six weeks. Was that right or honest? Would it be proper for their Lordships to legislate on information obtained in such a summary manner, and on statements which were gross misrepresentations of the facts? He could point to several allegations in the Reports, all of which were perfectly untrue, and were simple slanders. He himself had 300 men in his employment, and during the whole of last winter he had 400. Passing on to the speech of the Lord Privy Seal, who complained bitterly that there was no employment for the people of Ireland save agriculture, he asked, why did not that noble Earl recommend to Parliament some works by which the Irish people would receive some portion of the Imperial taxation, which was almost all expended in England? Nearly the only persons employed under the Crown in Ireland were the policemen. The Government had no dockyards in that country, and the citizens of Dublin did not even receive any of those geraniums on which so much of the public money was spent in the parks of London. It was not right or fair that a Member of the Government should taunt the Irish proprietors with not finding employment for the people, and should make that a paltry excuse for introducing a Bill of this description. Another noble Earl opposite (Earl Russell) had attacked the Irish landlords, and the Foreign Secretary had also talked of them as felonious landlords. The first of those noble Earls himself received the rents of his Irish property and spent them in London. He (the Earl of Leitrim) knew that the common opinion in Ireland—he might be in a cloud—but he knew that the common opinion in Ireland was that the landlord who lived amongst his tenantry and spent his income among them was the best landlord. Moreover, if the noble Earl talked what he had himself done, he (the Earl of Leitrim) might be permitted to say that it was to that noble Earl's blunders and mistakes when Prime Minister that much of the horrors and miseries of the Irish famine of 1846 were owing. It was, therefore, particularly unbecoming in those noble Earls to bring vituperative accusations against Irish landlords. He now came to the Bill itself, the injustice of which he would endeavour to point out. To every part of the Bill, from the title downwards, he objected. If properly designated it would be called a "Bill to create discord in Ireland and to exterminate the small tenantry." If his Satanic Majesty had wished to invent a plan for setting people by the ears, he could not have hit on a better device for the purpose than that measure. Not even Mr. Gladstone himself could have done it. A more pernicious arrangement than that in the 3rd clause he could not imagine. In order to improve certain estates it was necessary to disturb the tenants; but such improvements would be rendered simply impossible under the provisions of that Bill. He was not for getting rid of the small tenants; he had increased their numbers on his own property, but he could not have done that under this measure, with its extraordinary and unjust scale of compensation—they were such as would prevent any attempt at improvement on the estates. If the Bill passed into law the evil would be perpetuated to all eternity. He did not envy the Irish landlord who attempted to effect improvements on his estates by turning out the tenants and paying them that scale of compensation; and he certainly would not do it himself. It was only with a view to put lands into workable order that so many notices to quit were given; and it was a singular thing that when the Poor Law Inspectors were asked to state how these notices to quit were carried out, they declined to give the information. It was found, however, from other quarters that, to a great extent, they had not been carried out at all. As to compensation for improvements, the proposal had been so controverted in that House that, as he understood, it was only a little policy on the part of Her Majesty's Government to introduce it, that their Lordships might have the satisfaction of throwing it out. He could not imagine that their Lordships would ever agree to reverse the ordinary Law of Contract between landlord and tenant; if they did, it would be infinitely worse for the tenant than for the landlord, nor could anything be more destructive to the interests of society. The whole stability of society depended on keeping the tenant clear of the intricacies of the law. He was quite aware that many of his own acts had been criticized; but, proceeding on the advice of the ablest lawyers, he had followed the practice of making it distinctly clear to his tenants what they were liable to, and the consequence was that he kept them perfectly free from the hands of attorneys. He had been accused of making very arbitrary agreements with his tenants. But, however they might sound, in practice they were not arbitrary, for he had never asked his tenants for a single penny of rent but once in the year, and he believed that was not a thing very commonly done. He felt very strongly on this subject, and if their Lordships in their wisdom should think proper to withdraw from the landlord the power of entering into contracts with his tenants, he must express the opinion that it would be the cause of the greatest dissension, and would prove destructive to the tenants' interests. He proposed that all the clauses to be tried under this Act should be tried by the Chairman of Quarter Sessions in open Court in the county town. He hoped their Lordships would most carefully consider this question. It was one of the greatest importance, and he believed his proposal would be found most convenient for the country. With regard to the system of advances no wise man would take advantage of it. He looked with much jealousy on any new power given to the Government in Ireland—they had too much power already. It would be used for political purposes. They talked of capricious evictions and capricious acts on the part of landlords; but the capricious acts of the Government would be infinitely worse than all the capricious acts of all the landlords in Ireland. He hoped their Lordships would throw out the clause relative to notices to quit. It was contrary to the Act of Union. The provisions as to the payment of county cess were a mere sham. The money must all come out of the land; and, if the landlord paid the cess in the first instance, the tenant would have to pay it in the shape of higher rent. As to the argument that this Bill ought to pass because of the frightful agrarian crimes that had been committed of late, he believed that the most dangerous consequences would result from any such line of action. It was said that those murders were so cleverly committed that they could not be detected. In many cases they were committed within a comparatively short distance of the police barracks, and yet they remained undiscovered. Was an Irishman, because he wore a green coat and lived in a police barrack, less likely to make a guess at the truth and follow it out successfully than others who lived in the same neighbourhood and generally had a very clear idea upon the probabilities in the particular case. He had lived in parts of the country which had been disturbed and were now tranquil, and he could assure noble Lords that there was no pleasure attaching to residence in quarters where life was imperilled, and were roofs were nightly in danger of being fired. But he must say that he believed information would be much more readily forthcoming if it were not for the belief that, sooner or later, communications made in confidence to the police were by them brought to light. Policemen also were known to retire, having saved out of their pay sums of money which it would be out of the power of soldiers to accumulate. Districts, also, which had been proclaimed, and in which extra police had been sanctioned, were constantly relieved from those extra police without any such proclamation being issued by the Lord Lieutenant as the Act directed, declaring that those districts had ceased to be in a state of disturbance. It might suit the purpose of a negligent Government and an inactive police that a Bill of this kind should be passed; but he felt bound to express his opinion that it was calculated to create more discord and disturbance than any Act which he had ever known to be brought forward.

THE EARL OF LICHFIELD said, he was unable to understand the arguments of the noble Earl who had just sat down (the Earl of Leitrim)—in fact, his speech had convinced him of the necessity of exceptional legislation for Ireland, by showing the difficulties with which Irish landlords had to contend in the management of their estates. The noble Earl told the House that one effect of the Bill would be to make it impossible for landlords to make improvements on their estates, because it was impossible to make improvements without disturbing the tenants. According to the noble Earl, too, there existed in Ireland such a state of things as rendered it necessary in many cases for the landlords to serve upon their tenants notices to quit. In reply to that portion of the noble Earl's speech, he might say that the clause in the Bill which provided that notices to quit should be stamped was, in his belief, framed to meet the case of the noble Earl, because, if what he had heard was correct, it was the noble Earl himself who was in the habit of printing notices to quit on the back of his receipts for rent.

THE EARL OF LEITRIM: I can assure the noble Earl that it is not so.

THE EARL OF LICHFIELD would of course accept the denial of the noble Earl; but he must at the same time remark that nothing could prove the necessity for exceptional legislation in Ireland more than the difficulties which, as the noble Earl stated, landlords in Ireland encountered. Although he hoped that this Bill would be passed with as little delay as possible, and with very little material alteration in its principle; yet, as the Bill might hereafter be made a precedent for legislation in England and Scotland, it was most necessary that the landlords in this country should carefully examine into its provisions. Now, he could not help saying that there were some clauses of the Bill which, in his opinion, would give rise to injustice in some cases; which in others would create fresh causes of discontent in Ireland, and in others would give rise to so much misunderstanding, as to the intentions of Parliament, as must lead to a great deal of litigation. The first objection he had to take had reference to the Ulster tenant-right, which it was proposed by this Bill to legalize;—and he might remark that he had carefully listened, but in vain, throughout the debate for a satisfactory definition of that custom. They had been told that it was the right which the tenant had to receive back the money which he had paid for his holding; but upon what grounds was that right purchased? His own idea of what the Ulster tenant-right was, was that it represented the value of the difference between the actual value of the farm and the actual rent paid, *plus* the improvements which had been made by the tenant. If that was a correct definition the principle appeared to him to be very objectionable, and he maintained that it was entirely inconsistent with the principle upon which compensation for loss of occupation was given under Clause 3; because under the Ulster tenant-right the higher the rent the less the tenant got for his occupation, whereas under Clause 3 the higher the rent the greater would be the sum received by the tenant on giving up possession. Upon one point he should be glad to receive some information. Would the grant of a 31 years' lease by the landlord extinguish the Ulster custom in the way it extinguished the right to compensation for loss of occupation, under Clause 3? He entirely approved the principle upon which compensation was to be awarded for loss of occupation but he was not satisfied with the manner in which it was sought to be carried into effect. If there was one distinction to be more clearly drawn than another in making out a case for exceptional legislation for Ireland, which was not to be applied to this country, it was, that in Ireland the improvements were made by the tenant, whereas, in England they were for the most part made by the landlord; and as this Bill would be sure to be made a precedent for legislation in this country, he thought that this broad distinction should have been kept in view. In the first instance he had been disposed to think that compensation for loss of occupation should be confined to those cases in which it could be clearly shown that the improvements had been made by the tenant; but the culpable delay of Parliament in dealing with this question had convinced him that they would have to go much further. At the same time, it would be proper to state clearly that the compensation given was not to include anything which would represent the interest upon any outlay made by the landlord. With regard to the scale proposed in the Bill, he had little to object to it, though he thought it would have been better had it been more gradual. He could not, however, at all join with those who objected to the tenant in the higher scale claiming under a lower one, because frequently the withholding of this permission would be the cause of injustice. If each class were restricted to their own scale, a man paying £41 a year rent would only have been able to obtain £123 in the way of compensation, whereas the tenant of a holding of £40 annual value could have obtained £160. The discouragement held out against the subdivision of farms, which would be one of the practical effects of the 3rd clause, was a principle he strongly approved, because he believed nothing created so much mischief to agriculture in Ireland as this constant subdivision; but he did not approve the manner in which the practice was to be discouraged. He could not help thinking that where subdivision had hitherto been made contrary to the express wishes of the landlord—in some cases contrary to the absolute rules of the estate, rules with which the tenant was perfectly familiar—the Court ought in such cases to be compelled to take the fact into consideration, even if the result were to deprive the tenant of his right to compensation. There was in the clause another provision by which it was intended to give encouragement to the building of labourers' cottages. In this country he would give every encouragement for the purpose of carrying out that object; but he was afraid that the proposal in the Bill was not only likely to fail in its intended purpose, but that it would actually work great mischief. It appeared to him that it would give encouragement to the very thing which by a previous sentence in the Bill it was attempted to discourage—namely, subletting. It seemed to him that by the recognition of holdings of 25 acres, an inducement was given to tenants of 100 acres to subdivide their farms into four holdings, on which they would run up miserable hovels, for the occupation of their relatives or the labourers they employed. Moreover, unless some rule were laid down as to the mode in which the cottages were to be built, these cottages would be erections of the most miserable description; and in case of the tenant-farmer being removed from his holding, there would then be greater discontent and greater cause for it, on the part of the labourers living in these cottages, than was now felt by the tenants. The next clause giving compensation for improvements done by the tenant was after all one of the most important clauses of the Bill. No one more desired than himself that full compensation should be given to the tenant for any outlay he might have made on his farm; but he thought any legislation on the subject ought to be closely watched; and he observed in the clause a provision for giving compensation for the reclamation of waste land, which he was disposed to think would give rise to endless litigation. It would be impossible to prove who reclaimed the land, when it was done, or who did it. He had taken a good deal of trouble to get a definition of what was meant by reclamation of waste land but had failed. The only solution of the difficulty in his estimation would be found in the interpretation of a friend of his, who had suggested that all land valued according to the Irish valuation above 5*s*. an acre would be a very good guide to take as land for which the tenant ought to be compensated upon the principle of reclamation. As the wording of the clause dealing with this subject stood, he was afraid that there was a danger of the claim for compensation on account of reclamation going back beyond a reasonable limit. His own opinion was that tenants of moderate expectations would be quite well satisfied if the claim were to be limited to the period of his own lifetime or to a period of 20 years. Another important provision effected an alteration in the law with respect to the maker of improvements. He had no objection to the principle that in Ireland the presumption should be that the tenant had made the improvements; but the clause, as at present worded, made it almost unnecessary to provide himself with any evidence on the point. In his opinion it ought to be, if possible, matter of evidence, and failing evidence, both on the part of landlord and tenant, then the presumption should be, as was proposed by this Bill, on the side of the tenant. With regard to the provision respecting contracts, it appeared strange to him that power was not allowed the Court to give effect to a contract which was reasonable. He inferred from the 3rd clause that the framers of the Bill were unwilling to interfere with the freedom of contract, for it was there stated that any ejectment for non-payment of rent should not be deemed disturbance of the tenant by act of the landlord, unless the Court decided that it ought, on special grounds, so to be deemed in the case of a person claiming compensation on the determination by such ejectment of a tenancy existing at the time of the passing of the Act, and continuing to exist without any alteration of rent up to the time of such determination. The effect of those words would be simply to make every landlord raise his rent in order to get rid of the discretion of the Court in reference to his case. With respect to the payment of the county cess, he must say that if the provision was intended to apply to yearly tenants not disturbed in any way by the act of the landlord, and whose tenancy continued without any interruption, then, if they were exempted from paying the county cess, the landlord ought to have the power to recoup himself. There was another point which he regarded as important—namely, that the words "becomes an occupier" would include the case of a person who took a farm under an assignment; and as to that matter, he was of opinion that a tenant ought not to be allowed to assign without the consent of his landlord. Of that part of the Bill which established a system of arbitration, he approved very strongly. As an English landlord he believed there was nothing which would tend more to improve the relations of landlord and tenant in Ireland, and the condition of agriculture in that country, than a recognized system of arbitration under which all disputes could be settled. His only regret was, that some better machinery was not provided for carrying it into effect—such as the appointment of arbitrators — because there was at present no recognized person to whom an appeal could be made, thereby preventing the various decisions which were given by the arbitrators to whom cases were now referred being effectual. As to that section of the Bill which related to the sale of land, he cordially joined with those who had expressed their general approval of the principles which guided its framers. He had not any great hope that it would effect much in the direction in which it was intended to act; but he felt it to be of the greatest importance that there should be as large a class as possible connected with the land by stronger ties than those of mere occupancy. He heartily supported the principle of that part of the Bill; but he would be sorry to see any such artificial system carried beyond a mere experiment. It was improbable that that part of the Bill would be acted upon to any extent, and certainly the framers of the measure did not expect that it would, or a larger sum of money for carrying out its provisions would have been proposed by them. Of the objections which had been made to the Bill, he most of all regretted those which were to the effect that landlords would in future be inclined to deal harshly with their tenants. Remembering how long this question had been trifled with by Parliament, and that 35 or 40 years had elapsed since every man of common sense had come to the conclusion that this question must be dealt with, and that up to this time nothing had been done except to disappoint the hopes that had been repeatedly held out that some alteration would be made, he felt that if this measure failed it would not be owing to the nature of the Bill, but to the lateness of the period at which this concession was offered. He was convinced that there would be under this Bill both good and bad landlords as there had been up to the present time, though the great majority would carry out the provisions of the Bill with a desire for the good of that country. He had confidence that the Bill would be accepted by the people of Ireland in the spirit in which it was offered, and the result, he hoped, would be to give greater content and prosperity to the people, and to satisfy the landlords by increasing the value of their property, and the amount of their rents.

THE EARL OF CLANCARTY: My Lords, I have listened with great interest to the speech of the noble Earl who has just sat down (the Earl of Lichfield). He is the first Member of your Lordships' House who, from the Ministerial side, has spoken of the Bill as being of any concern to the English landowner, except as a measure for the pacification of Ireland. He has called attention to it as a precedent that must be followed in reference to the relations of landlord and tenant in England and Scotland, and thus identified the interests of the landlords throughout the United Kingdom, in the consideration of the measure before the House. I regret that I cannot take the same favourable view of the Bill that he does. I see, on the contrary, so much that is objectionable in it, both in principle and detail, that should my noble Friend who has moved the Amendment divide the House, I shall feel it my duty to vote against the Bill. When I heard, at the opening of the Session, that Her Majesty's Government had decided upon introducing a Land Bill, after the many failures of preceding Governments to produce one satisfactory to the country, I ventured to hope, notwithstanding the general impression to the contrary, that however it might be criticized in detail, its principle would be mainly the common good, without wrong or injustice to any class of the community; that its tendency would be to draw closer the union of landlord and tenant in the fulfilment of the duty they both owe to the country of developing the resources of the soil; and that their mutual relations, where they have been misunderstood, would be placed upon a footing more conducive to the peace and well-being of Ireland. In this confidence I awaited the Bill that has now come up to your Lordships, elaborated from the House of Commons, and until it was thus perfected I did not look into its provisions; but, having now examined them with care, and listened attentively to all that has been said in support of them, I am, under a deep sense of disappointment, compelled to dissent from nearly the whole of the Bill. I find it to be what, in fact, the Lord Privy Seal on Tuesday evening described it—simply a new sacrifice to Irish disaffection; and that, too, as he admits, of very doubtful success. Lest I should appear to be overstating the admissions of the noble Earl, I beg to quote to your Lordships his words, as reported in *The Times* and *Morning Post*, which are in perfect accordance with my recollection of them. Referring to the disaffection that had so often prevailed, even after measures of conciliation, the noble Earl said—

> "When you find chronic disaffection in Ireland, you are bound to try to remedy it, and to shrink from no sacrifices until you have removed the cause of disaffection. I acknowledge the failure of past efforts by this country to remove it. Successive Governments have met with the same failure. But Englishmen are not to be permanently baffled. Parliament showed last year that it would not shrink from sacrifices in the effort to remove disaffection in Ireland, and I hope the same spirit will be shown now. He would, no doubt, be a sanguine man who would prophesy the result of any measure in Ireland. It is possible that this Bill, like others, may fail; but I augur well of its success from the tone of the debate upon it in this and in the other House of Parliament."

I totally differ from the noble Earl, and hold that Parliament is not justified in making sacrifices of the institutions of the country to conciliate the disaffected. But what are the provisions of the measure before the House? My Lords, you have before you simply a Bill of pains and penalties against the landlords of Ireland, unwarranted by anything they have done, uncalled for by any necessity, and calculated to produce jealousy and ill-will, and to stir up ruinous litigation between landlord and tenant. It takes from the landlord the power of making those arrangements in the disposition of his land and the selection of his tenants upon which agricultural prosperity so much depends, and depriving him of this power it necessarily removes from him also the responsibility he has, especially of late years, cheerfully acknowledged, of promoting agricultural improvements. Anything that checks a cordial co-operation of landlord and tenant in such works, must necessarily be injurious to the interests of the community. The tenant cannot drain his low and wet land unless the landlord provides for him the main or arterial drain; he cannot, without the landlord's assistance, erect suitable farm-house and offices, nor make the outlay necessary for fencing and dividing the farm; nor will the village road be properly laid out and maintained, without the intervention and authority of the landlord. Under this Bill any one tenant may frustrate the efforts of the landlord to provide the roads that may be requisite for the convenience of a numerous tenantry. Those who can recollect what the country was above 30 years ago, and will compare it with what it is now, will acknowledge that the movement of the landlords of Ireland, that was then headed by my noble Friend the noble Duke opposite (the Duke of Leinster), at that time Ireland's only Duke, for the establishment of agricultural societies, was the inauguration of a new era in the history of Irish agriculture. There has ever since been a progress of improvement in husbandry—whether in the cultivation of the land or in the kind of stock that is reared upon it—greatly conducive to the material wealth of the country; while the condition of the rural population generally has been further elevated by the attention that has of late years been given to the construction of good farmsteads, and of dwellings for the labouring classes. And the tenant-farmers from having been for the most part extremely poor, where industrious are well off; and when desirous of emigrating, or for any other reason of giving up their farm, are enabled to claim compensation for improvements, a claim which a landlord rarely, if ever, refuses, but which I am decidedly of opinion the tenant should have secured to him by law. My Lords, on this subject—the claim of an out-going tenant to be compensated for his improvements—the noble Duke on the Treasury Bench (the Duke of Argyll) last evening taunted a noble and learned Lord (Lord Cairns) on this side of the House with inconsistency in finding fault with the Government for interfering with the rights of property, by giving the tenant a pecuniary right against his landlord for mere disturbance, while he advocated the claim of the tenant to be compensated for improvements. I do not think the noble Duke's animadversions were just. There is, no doubt, a legal right in the landlord to receive back his land with all the permanent improvements effected upon it as if they were his own; but the tenant has an equitable or rather a moral claim to be compensated for the improvements he has made, and this no landlord disputes. To declare, therefore, that claim to be a legal one, can scarcely, under the circumstances, be regarded as an invasion of the rights of property; whereas nobody can question that the rights of property will be seriously affected by the enactment of the 3rd clause of this Bill. I must complain of the injustice of the noble Duke's reflections upon the landlords of Ireland. Instead of referring to the state of the country at the present day, he went back to find accusation against them to the Report of the Devon Commission, made about 35 years ago. That Report, no doubt, proclaimed a state of things with regard to the agricultural population that was very distressing; but it was well known, and admitted, to have been the result of over-population that had arisen from the excessive sub-dividing and sub-letting of farms held by lease, and which the landlords had no power of preventing. As leases have fallen in this evil has been remedied; but oppression on the part of the landlords there was not, and the fact is generally well attested that the rents paid for land in Ireland are lower than those in any other country in Europe. Having heard this repeatedly stated, I think it right to observe that to some extent this must be attributable to, what has been also much dwelt upon, the fact that in general the tenant builds his own house and makes his own fences. Let me say a few words on the subject of the Ulster tenant-right. Your Lordships have heard it variously spoken of in the course of this debate; but I think the opinions of none are entitled to so much weight as those of the noble Lord the Chancellor of the Duchy (Lord Dufferin). No one could be better acquainted with the subject than he is, and no one would be more desirous, if in his power, to speak of it in terms of commendation. But he showed most conclusively that in principle the system was adverse to the improvement of agriculture; a system that no man, having regard to the necessity of the outlay of capital in the development of the resources of the soil, would desire to see generally established. It is strange that your Lordships should be called upon to legalize a system which a Member of the

Government, though an advocate of the Bill, has so plainly shown to be objectionable. Noble Lords are, I believe, very much carried away with the notion that because the people of the North are prosperous, tenant-right is the cause of their prosperity. My Lords, it is to other circumstances, and not to the principle of tenant-right, that the prosperity of Ulster is owing. The energetic character of the Northerns, by which trade, commerce, and manufacturing industry have grown up, is generally admitted. The growth of flax, its management in all its different stages, and the unrivalled skill with which the manufacture of linens in every branch is carried on, secure to the industrious tenant, though he may have entered into possession of his farm after having expended the whole of his capital in the purchase of the tenant-right, a remunerative return from the produce of his land in a great measure independent of any pecuniary outlay in its cultivation. Not so would it be if the lands were under pasture, as to a great extent they are in the West and South of Ireland. There the tenant must have capital with which to stock his land in order to turn it to account. I therefore consider the endeavour in this Bill to extend the principle of the Ulster tenant-right to the rest of Ireland as most mischievous. Although the 3rd clause is the most important in the Bill, I will not trouble your Lordships with many words upon it. I will only say that if the Government and Parliament are clearly satisfied that the disturbed state of Ireland has been owing to an abuse of the rights of property by the capricious evictions of tenants from their holding it is their duty to interfere. If such cases exist at all I believe they are very rare, but should undoubtedly be discouraged. I therefore admit that, though it may involve an interference with the strict rights of property, some compensation should be awarded on the principle of this clause to a tenant capriciously removed from his holding for such disturbance. I must, however, protest against a confiscation of the landlord's property for the purpose to the needless extent which is proposed in this clause —namely, awarding to the great majority of the tenants in Ireland, as the price of disturbance from their holdings, seven years' purchase of the fee simple, in addition to full compensation for outlay in improvements upon the farm; and, as the scale of compensation is made to reach to classes of tenants who never have been subject to capricious treatment by their landlords, I trust your Lordships will not consent to so great a wrong against the proprietors of land in Ireland as would be involved in your adoption of the clause as proposed. I have already noticed and expressed my assent to the principle of full compensation being given to an out-going tenant for his *bonâ fide* improvements upon the farm. But to the next clause, which would substantially take from the landlord his property and interest in his own improvements, and transfer them to the tenant, to have him compensated for them as if he had executed them at his own expense, unless the landlord can prove the contrary, I trust the House will not consent; it would not only be to rob the landlord of what rightly and equitably belongs to him, but to impose a penalty on every improving landlord for having laid out money in the improvement of his estate. Few landlords keep an exact record of what they so lay out. The accounts of architects, surveyors and contractors, and of expenditure in labour, are commonly destroyed at the end of seven years, beyond which time the Statute of Limitations renders it unnecessary to keep them. So that, except where the landlord's expenditure upon the holdings of his tenantry had been made through the Board of Works, there would seldom be documentary evidence available for him to disprove the unfair assumption that every improvement upon the farm had been executed by the tenant. The effect of this clause would be to encourage tenants to prefer false claims for compensation, to which I trust your Lordships will not assent. The proposition in a later part of the Bill of creating a tenant proprietary has been variously viewed. Although I am of opinion that extensive properties, under able management, are by far more conducive to agricultural improvement than small properties, the owners of which can rarely be brought to act together, where in the making of roads and arterial drains a general co-operation is necessary, I think the facilities afforded by the Bill for the tenant to purchase, when his landlord is disposed to sell, will have some advantages. The Bill is not likely to operate to any great extent in this matter; but so far as it might operate it would be beneficial. Those who would become purchasers would probably be the most thrifty and improving occupiers of the soil; and knowing, as I do, the intense attachment of the Irish peasant to the place of his birth, I cannot but think that the opening afforded for acquiring, under certain circumstances, ownership in the land will be regarded generally by the Irish tenantry as a great boon. Having regard to the contentment of the country, it must be recollected that one of the Members of Her Majesty's present Government, not long ago, went over to Ireland on a political mission, and there held language of a nature to raise the most extravagant expectations regarding a transfer of the property of the land to the tenants in occupation. Altogether to disappoint expectations held out, however imperfectly, from such a quarter, could not fail to excite a very great amount of discontent; and the Government that did not at once disavow the views of Mr. Bright were bound in honour—as I think Parliament would be upon grounds of public policy—to facilitate to the tenantry of Ireland, by this Bill, their becoming, as opportunities offer, the purchasers of the lands on which they have resided. Their opportunities of doing so may be few; but where they do present themselves, the option of purchasing the holding instead of becoming tenant to a stranger, between whom and himself there may be little sympathy, will be highly valued. I wish I could speak with the same approval of other parts of the Bill; but it is fraught with so much of injustice, and generally pregnant with such mischievous consequences, that I am compelled to vote against it; and I must add that its introduction avowedly as a measure to conciliate the disaffected is the following up of a policy alike injurious to the interests of the country and discreditable to the British Government. Last year you were dealing with the Fenian conspiracy. Did your sacrifice of the Protestant Church in Ireland mitigate the hostility of the Fenians? No; it encouraged them; it afforded them a triumph, and a great triumph it was, though they did not seek it, that Her Majesty's Ministers, bound by the most solemn obligations to uphold the Protestant Establishment, overthrew it, declaring it to be an offence to the people of Ireland. Thus, you alienated the feelings of the loyal Protestants of Ireland, without winning the attachment of the Fenians. I heard some noble Lord say that the Fenian movement was dying out. My Lords, it may be so; but you cannot take the credit of it. If it is dying out it is owing to the gallantry with which the Canadians lately repelled the Fenian invasion of their country, and to the loyal and honourable conduct of the President of the United States in dealing with it. Do you think you will be more successful this year in your attempt by this Land Bill to conciliate the Ribbon conspirators? My Lords, it it not thus that such associations are to be put down. You are, on the contrary, holding out a direct encouragement to agrarian outrages; and I warn your Lordships that if you pass this Bill as it is here sent up to you, it will, and justly, be hereafter pointed at, as a justification, on the part of Parliament and of Her Majesty's Government, of the assassinations of all those landlords and agents who have fallen victims to the Ribbon conspiracy.

VISCOUNT **POWERSCOURT** said, that, as one connected both with Ulster and the South of Ireland, he wished to say a few words. He was one of those who thought that the prosperity of the Northern Province had been produced by the tenant-right custom, and by the sense of security which the tenantry of that part of Ireland felt in the honour and good will of their landlords. His experience of Ulster was, that though the farms were small, the tenants were contented. The Secretary of State for India (the Duke of Argyll) last night had explained the Bill with a perspicuity which to his mind left nothing to be desired; and he felt sure that the noble words he had uttered would bring conviction to the minds of Irishmen that Her Majesty's Government had a sincere desire for the welfare of Ireland. He had no doubt that in most parts of Ireland the tenantry felt themselves safe under their present landlords; but he thought they must go beyond that, and to make their safety and certainty in their holdings a matter independent of their landlords. As a noble Lord who lived in Ulster (Lord Lurgan), said that evening, he would not vote for any measure that tended to rob him of his property; but he should certainly support this measure, because he believed that, while it could do no harm to the just man, it would tend to restrain the unjust man from oppressing those who lived in dependence upon him.

THE EARL OF PORTARLINGTON said, he had lived in Ireland for 25 years, and had never heard of any grievance to excuse legislation in this direction, until the occurrence of those cruel evictions, which were unknown among the old landlords of the country, and which had been introduced by the new class of landlords who had purchased their property through the Encumbered Estates Court—a Court which had broken up the old family estates of the country, and introduced landlords of an entirely different character in the place of the former owners. Still, however, the Irish land question was in such a state that it must be dealt with by whatever Government was in Office—nay, more than that, any Government dealing with the question ought to look at the matter from the same point of view as that taken by Her Majesty's Government. Sir John Gray, who had taken an active part in the mischievous agitation in the winter, upon the occasion of the third reading of the Bill in the other House of Parliament, had paid the Government a great compliment in saying that the Bill would prove ineffective in every respect but one, and that was, that it would have the effect of putting an end to these cruel evictions. His right hon. Friend the Chief Secretary for Ireland, when that statement was made, might, he thought, have thrown up his cap and exclaimed that the object he had in view had been attained. Her Majesty's Government had dealt with the question without reference to party considerations, and had resisted a great deal of pressure that had been brought to bear upon them; but that pressure he could not help saying arose to a considerable extent from the extraordinary reticence which they had observed during the past autumn and winter. Agitation commenced last autumn for security of tenure and developed into fixity of tenure and rank Communism; but, if six lines of the fervent speech delivered by the right hon. Gentleman in introducing the Bill in the other House had been uttered earlier, if they had not put a stop to the agitation altogether, they would have turned that agitation into a reasonable channel. With respect to the scale of compensation, which was the real pith of the Bill, there could be no doubt that it had been a custom for generations past for the out-going tenant to receive either from his landlord or from the in-coming tenant compensation on quitting his holding. As to the Ulster tenant-right, he had always understood that it was an ancient right, which had existed from the time of the Plantation of Ulster by James I.: but, in the course of the debate, a different origin had been ascribed to it. There were, of course, certain details in the Bill to which he objected, but those portions which were mischievous, would, he hoped, be amended in Committee. He did not, of course, believe that one solitary measure would calm Ireland, or restore that peace and prosperity to that country which every one had at heart; but he did believe that the kind and generous disposition which the United Parliament had evinced would in time be attended with beneficial results. A noble Lord the other evening had recommended the Government to leave Ireland alone. He (the Earl of Portarlington), on the contrary, trusted that the Government would not leave Ireland alone, but that they would proceed to legislate in other directions, by lowering the rivers now running to waste over the land, by consolidating her railways, by improving her harbours, and thus making the people contented and the country prosperous. If the office of Lord Lieutenant of Ireland were got rid of, and the Sovereign brought into immediate contact with the people, great good, he believed, would also be effected. He almost owed a grudge to his noble Friends the late and present Lords Lieutenant of Ireland for the truly liberal and patriotic manner in which they had discharged the duties of that high office, thereby keeping out of sight what he believed to be the defects of the system. Nobody could forget the exhibitions of loyalty and devotion on the rare occasions when Royalty visited Ireland; and if the office of Lord Lieutenant, which stood between the Crown and the people, were once abolished, the sweet graciousness of our Sovereign, once brought into contact with the affections of the Irish people, would light a flame that would not easily be extinguished.

THE MARQUESS OF LANSDOWNE: My Lords, I should not say anything to protract an already lengthened debate if it were not that I am one of those whom the Bill will affect very seriously for good or evil. The Bill will affect me not merely in those material interests connected with land, but in those non-material interests and relations upon which the tolerability of a landlord's life depends. I do not wish to say much about the expediency of the course pursued by the Government in legalizing the custom of Ulster tenant-right. I am cordially with them in believing that in doing this they obey the exigencies of an inevitable necessity. I do not believe that the Ulster tenant-right is ideal perfection. I am no friend to it on theoretical grounds; and if we were now inventing a constitution for Ireland I should be the first to object to this custom as a basis. Unfortunately, such is not the case. We cannot create the custom where it does not exist, or destroy it where it does; we can do nothing but legalize it, with all its faults and all its merits. I say with its merits, because, whatever its faults may be, at least we know that the custom is not incompatible with security and with prosperity on the part of the tenants—objects the accomplishment of which are aimed at by the Bill. I turn readily to that part of the Bill of which I can speak with less qualified praise. I mean the 3rd clause—that which gives compensation to tenants for disturbance merely, regardless of considerations as to improvements and such like matters; for I believe this clause to be the one which makes the Bill a real and genuine settlement of the tenants' claims. I am aware that this clause has been much stigmatized; but I cannot agree with the adverse judgment that has been passed upon it. In considering this part of the Bill, we must keep in mind very attentively what is its chief object. This is a Bill, not so much for the tenants of Ireland generally as for the protection of the smaller tenants. Every clause in the Bill proves this, and carries this impress upon it; and the noble Earl himself who commenced the debate a couple of nights since admitted as much. To give compensation to the larger tenants according to the custom is fair and laudable, and is a proper way of dealing with them; but without this clause, would the Bill be one for the protection and relief of small tenants? Would these tenants be compensated as they should be by mere payment for improvements? They would not; the marketable additions to the holdings of small tenants do not at all represent the expenditure of labour which they have bestowed. Let me read one extract in proof of this from the Reports which have been so often referred to in this debate. At page 82 the Poor Law Inspectors, in their Report, say—

> "The improvements made by tenants and their predecessors here are of a nature to which it would be hard to affix a value. They arise more from the constant industry of man, continued from generation to generation, than from the actual or sudden outlay of capital."

I would turn also to my own experience, brief though it may be, as landlord of an estate on which there are a great number of the poorer class of tenants. I have taken some little trouble to find out whether, if the tenants were paid for the improvements which have been made by them over any reasonable number of years, they would be compensated practically for their loss sustained by disturbance in their possession, and I can assure your Lordships that I believe, conscientiously and honestly, they would not be at all compensated by mere payment for improvements. Upon the estate to which I allude there are over 900 tenants, of whom 580 are under £10 and 215 under £5 a year. These people have, on a barren and mountainous country, expended much labour; and, though you cannot talk in their case of "permanent buildings," for there is not much permanence about them, nor yet of "compensation for unexhausted improvements," nor of "tillages and manures," for terms like these are out of place in such parts of the country, and the very phraseology of high farming is unknown in the state in which these people find themselves called upon to labour, I do believe that if you were to restrict your compensation to payment for buildings, drainage, and other improvements you would not do them an approach to justice. Should tenants of this class be disturbed in their holdings — happily, there is no intention whatever of disturbing them — a measure in which a provision of this nature was omitted could not do otherwise than fail in achieving its purpose. Without this clause the Bill would be vexation to the landlord and vanity to the tenant. By some noble Lords this has been called "the black part" of the Bill; but there is another which has been called blacker still—Clause 5, which creates the presumption of permanent improvements in favour of the tenants. I wholly disagree with the objections to that clause, and I must say that of the many arguments which struck me as singular, none was more so than the argument of the noble and learned Lord (Lord Cairns), who said—

> "Let us remember that there is no use arguing how far tenants have made improvements and how far they have not, for we have in our possession some facts concerning them."

I should have thought, if the noble and learned Lord had not told us to the contrary, that the two points to be ascertained were — first, who, in fact, had made the improvements; and secondly, who ought, in the absence of evidence either way, to have the benefit of the doubt. As to the first point, we have this Report, which has been quoted again and again, and I see no reason to doubt the irresistible evidence afforded in its pages, that the bulk of the improvements have been made by the tenants. Generally speaking, the Report tends to show that the improvements made by the landlords are restricted to large estates and large farms, and usually take the form of slates and timber, while the rest are unanimously reported to be the tenants' own. As for the second point—to whom the benefit of the doubt should be given—I am surprised at the argument that the benefit should be given to the landlord, who possesses all the facilities for registration. The first day of this debate I took the opportunity of asking a gentleman who, for many years has been connected with the management of estates belonging to me, within what time it would be possible for him to give me a schedule of the improvements executed upon the estate; and he replied that, if asked for it, I could have it almost by return of post. I maintain that upon all carefully managed estates such a return ought to be procurable; and if it be not forthcoming I can only say that it exhibits a lamentable imperfection in the way in which the estate has been conducted. As for freedom of contract, or the extent to which this is proposed to be interfered with, the debate has been wisely removed from a discussion of the abstract principle to one whether this particular contract is fit to be enforced by the State. And it strikes me very strongly that, if the enactments of the Bill are fit to be enforced, a contract violating the spirit of those enactments is not one that the State ought to support. Now, as to the probable results of the Bill—we have heard so many political prophecies that I shrink from making one of my own. By some noble Lords opposite we have heard it said that this Bill will cause the consolidation of farms, to the destruction of the smaller tenant. Other noble Lords, occupying seats on the same Benches, have contended that it will root upon the soil a class of small, scratching, useless tenants, whom it would be for the advantage of the country to get rid of as speedily as possible. I will not hesitate between these two predictions, for both are false. If I may hazard a prediction, this Bill will not effect a revolution of the outward face of society. Its effect will be gradual and imperceptible. It will not affect the bulk of the landlords, whose relations with their tenantry, I am happy to think, are excellent; but those bad landlords of whom we heard so much, will be heard of no more. Men of bad dispositions will be kept from doing mischief, and we shall no longer have the scandal of the minority of the class reflecting discredit upon the majority. Upon the moral relations, on the other hand, which subsist between one class and another, this Bill will operate greatly for good. Self-reliance is the quality of all others which we wish to inculcate, and there are, I doubt not, many proprietors of Irish estates who will agree with me that the want of self-reliance is among the great faults and imperfections of the character of the Irish tenants. We shall promote this self-reliance by relieving the tenant from the necessity of depending for favours instead of obtaining rights from his landlord. With his rights we shall give him a sense of dignity and duty, which will raise him in his sphere of life, and render him and the class to which he belongs more useful to themselves and to their country. And if we wake from the dream with which we have been taunted, of pacifying Ireland by conciliatory measures, it will be, I trust, to find that our dream is a reality, and that our just and generous offer has been justly and generously accepted. For these and other reasons I hope the Bill will produce good results.

THE EARL OF CARNARVON: My Lords, the noble Marquess who has just spoken (the Marquess of Lansdowne) is perfectly right, as a Member of the Government, in expressing his confident feeling as to the result of this measure; and I rejoice that Irish landlords holding a great position should put the matter in a sanguine point of view, and appear determined to work out the Bill in a manner to be beneficial to the country. Rising at this period of the debate, I fear that I labour under a double disadvantage. Almost every considerable argument has been already dealt with so fully and effectually that it is very hard for me to travel over the same ground without wearying your Lordships. The subject was dealt with most effectively and exhaustively in that most admirable speech delivered last night by my noble and learned Friend (Lord Cairns), to whose arguments no answer whatever has been made. I am also embarrassed by the fact of the admissions that have been made by Members of the Government on this subject. One Member of the Government addressed himself at considerable length to show that Ulster tenant-right is altogether a vicious system; yet this is the custom we are now called upon to legalize. Another Member of the Government, the Chancellor of the Duchy of Lancaster, paid a very just tribute to the landlords of Ireland. He said there was no class in all Europe that could excel them in a strict sense of duty or humane feeling; yet it is the landlords of Ireland that you are branding by this Bill, and, towards whom, legislating with suspicion and distrust. Another Member of the Government condemned, "with faint praise," the clauses of Mr. Bright. Yet it is now proposed that we shall enact those clauses. The Lord Privy Seal did not attempt to disguise his opinion that the result of this measure would be the consolidation of small farms; yet its ostensible object is to encourage small farms. The noble Duke (the Duke of Argyll) said he thought the result would be to raise rents; but, as one of the professed objects of the Bill is to improve the condition of the tenantry of Ireland, I scarcely think that result would be very popular with the tenants. The grounds on which I myself should be disposed to vote for the measure may be expressed in very few words. I think it may be supported partly out of consideration for the landlords of Ireland, partly in the interests of the Empire, and partly for the sake of Ireland itself—for the landlords, who in many cases can obtain no rents or exercise any of the legitimate powers to which as landlords they are entitled, but at the risk of their lives; for the great mass of the peaceable trading, prosperous population of Ireland, to whom the present state of things is an abomination; in the interest of the Empire, distracted by the chronic state of disaffection of a great portion of Ireland; and, lastly, for the sake of Ireland itself, which, being exceptionally situated, may gain, possibly, by some exceptional legislation at our hands. Under the circumstances, it is worth making an experiment, and I indulge myself with the hope—though we may be moving in the wrong direction—that we may do for Ireland by legislation that which has already been done by cordial and kindly feeling in England between landlord and tenant. But on almost every other ground it seems to me that the Bill is essentially retrograde. The tendency of tenant-right in Ulster has been, perhaps, to suppress agrarian crime, therefore by all means do not abolish tenant-right; but, on the other hand, it is equally clear that that right is founded on incorrect and economically vicious principles, and, therefore, I say do not legalize them, but allow them to take their natural course and die out, after serving their purpose for a time. But what does this Bill do? It stereotypes that right, and gives it a new force and vitality without at the same time defining it. With regard to its interference with freedom of contract, I do not deny that contracts have frequently been interfered with; but if there be any excuse for the violation of freedom of contract, it is the utter helplessness of one of the contracting parties. But if this necessity is a justification for interference with contracts, I ask the Government to show us where the necessity is in this case. The *onus probandi* lies on those who propose such a course; and so far as facts and figures are a guide, I rather think that the conclusion lies in the opposite direction. I have a Return of the number of evictions which have taken place in Ireland during the last four years. Assuming the area of Ireland to be 20,000,000 of acres and the holdings 600,000, the evictions for non-payment of rent have been only 596, whilst for all other causes the evictions amounted to the insignificant number of 280. If, therefore, your Lordships will divide that by four, you will find that the average of these four years has been only 70 evictions for other causes. Whatever other arguments there may be for this measure, these figures will show, at all events, that there has been a vast amount of exaggeration with regard to this subject. As regards the Irish landlords, I should be content to rest the case upon what was said by the noble Lord the Chancellor of the Duchy of Lancaster, who paid a just tribute to them; but your Lordships have also before you the Reports of the Poor Law Inspectors, prepared in reply to a letter issued by the present Chief Secretary of Ireland. The substance of these Reports is, that the number of evictions are very few; that improvements have been made as much by the landlords as by the tenants; that scarcely any improvements made by tenants have been disallowed by landlords; and that numberless acts of kindness and goodwill have passed between landlord and tenant. It is perfectly true, however, that they draw distinctions between those landlords who have been long in possession of their property and those who have bought land for purposes of speculation. The noble Earl (Earl Russell) told us the other night one or two stories which implied that there had been great criminality on the part of the landlord. I am far from denying that there have been unjust and bad landlords; but, after all, the criminality and injustice are not all on one side. I will ask your Lordships to allow me to mention a story for which I can vouch, which is, I fear, an illustration of no very uncommon practice, and which will show that there is something to be said on the side of the landlord. Not very far from Limerick the father of the present owner of a large property, some 30 years ago, consented to pay for the goodwill of a farm and the emigration money and the full expenses to the then tenant. That tenant emigrated to America, and 30 years afterwards—last year—his son returned and reclaimed the farm. It is due to him to say that he undertook to repay the goodwill and emigration money. But it was of course impossible to accede to his request; and your Lordships will not be surprised to hear, that within a few days the man who had become the tenant of the farm threw up his holding because he dared no longer keep it, in consequence of this claim. I said this Bill was retrograde in its principles. It is particularly so with regard to the question of freedom of contract; and I appeal to noble and learned Lords whether the whole progress of legal improvement for many years has not been in the direction of encouraging rather than interfering with freedom of contract? The old law was quite sufficient for the state of society formerly existing; but, in order to keep pace with the requirements of an inventive age, it has become almost an accumulation of contractual rules, and the province of imperative law has been diminished just in proportion as the sphere of free agreement has been enlarged. So far then as freedom of contract goes a needless violation of it is a retrograde policy. Again, it is obvious that this Bill, rightly or wrongly, does involve the transfer of certain proprietory rights. It has been said by an authority — whom noble Lords on the other side of the House are bound to respect — that the State is free to transfer those rights, but that it must do so under the conditions that compensation shall be paid to those whose rights are transferred, and some just cause or reason shown for the transfer. I would ask, then, is any compensation given under this Bill to the landlords of Ireland, or has any case been set up to show that they have so transgressed as to deserve to be deprived of those rights? If that be so, according to the argument of Mr. Mill—and I desire no better authority—this transfer is at any rate questionable. I do not deny that the State which has created those proprietory rights can destroy or modify them; but a wise Legislature will always touch upon them tenderly and sparingly; and although lawyers may draw subtle distinctions between real and personal property, no needless interference with property in any form can take place without all those who are interested in property of any kind being affected. This is not merely a question relating to the landlords of Ireland, but capitalists, fundholders, and even depositors in savings banks are equally concerned in the course which this Bill may take. A good deal was said the other night as to those clauses of the Bill by which the State is to advance money for the purchase of land. I cannot help expressing a doubt as to the wisdom of the State becoming a proprietor or a purchaser. I doubt whether the experience which we have on the subject is altogether satisfactory. I hardly know how the State is prepared, when it has obtained these properties, to manage them, as in certain cases it must. Nor can I see how, when rents are in arrear, the State will be prepared to recover bad debts; how it can organize an army of agents for the purpose of managing these transactions; or on what principle you calculate that the tenant who has been unwilling to pay rent to his landlord will be disposed to pay rent to that much more hateful landlord the State—how those who have been faithless in a few things will be found faithful in many. I do not think you have borne in mind the fact that the State cannot afford, as proprietor and purchaser, to show the same laxity and leniency that a private individual and an ordinary proprietor can extend to the tenant. The history of the collection of tithe in Ireland in the years 1834 and 1836—if other experience was wanted—would be quite enough to justify some hesitation on such a question. With regard to the question of small holdings, it seems to have been forgotten that at this moment one of your difficulties is their multiplicity, and that one-half of the present holdings are under 15 acres, and one-third under five acres. But you have made no provision in this Bill for the labourer; and if there is one class of men whom I pity more than another, it is the class of labourers to the small tenants. A great deal has been said in favour of the "perpetual settlement" system in India, but I imagine that the general consent of opinion on the part of those best acquainted with Indian facts is that the poorer classes below the tenants who do benefit by the system are in no respect the better for it —if, indeed, they are not worse off. Again, I cannot resist a doubt as to the effect of these small holdings as regards the landlord. Has the House considered that the pressure which may be exercised upon the landlord may be so severe as to oblige him to sell particular parts of his property which may, perhaps, be so situated as to damage, by their separation, the remainder of the estate; and that that pressure is rendered doubly severe in Ireland because it may be enforced by the shooting of a refractory landlord? But, passing from that, I now come to the clauses relating to procedure, respecting which I will only say one word. My objection to those clauses is, that they hold out inducements to litigation; and it must be remembered that facilities for litigation not only give no security to the tenant, but that their effect will be to alienate the landlord from him. The consequence will possibly be that if the landlord wins the suit there will be a consolidation of farms, and if the tenant wins the landlord will become an absentee. There was a time when the absenteeism of Irish landlords was looked upon with regret in that country; but since that time the cry has arisen of "Ireland for the Irish." I doubt, therefore, whether those who have raised it will regret the absence of the landlords. But, my Lords, one thing appears to me to be very clear — that if the influence and power of the Irish landlords be weakened, the influence and power hitherto exercised by them must of necessity be transferred to the Roman Catholic Church. There are two great powers in Ireland—the Roman Catholic Church and the landlords—and to a certain extent they have counterbalanced each other. It is not a fitting opportunity to enter into a controversy as to whether the change would be beneficial or otherwise; but this much I will say, that if the operation of this Bill be such as is desired by its supporters out-of-doors and the power of the landlords is materially curtailed, the balance of power will very probably be shifted to the Roman Catholic clergy. Your Lordships may not desire or intend that such should be the result of the Bill, but, if it fulfils the expectations I have alluded to, to that result it must come. The sole object of this Bill is said to be the pacification and satisfaction of Ireland. I trust it will turn out to do so. I heartily echo the wishes expressed by noble Lords on the other side of the House, for no man can feel more than I do the danger to this country of chronic disaffection in Ireland. But I cannot forget how strong and fierce the cry was last year for fixity of tenure. I know that you do not mean to grant that by this Bill. I know that you do not mean to embark in a policy of confiscation; I know that you do not even intend to make the Bill a stepping-stone towards confiscation—but if the Bill does not do these things is it likely to satisfy those who clamoured so loudly in favour of such a policy last winter? It is a Bill extremely different from what those persons wished and demanded. My Lords, I intend to vote for this Bill, on the principle that it expresses a desire on the part of England to strain every point, even to a doubtful extent, in order to meet the wishes of the Irish people; but let me add that I also vote for it in the hope that, if it be passed, it will be an earnest of an intention on the part of the Irish people to obey the laws of the Empire. Three hundred years ago it was said by a great writer in reference to Ireland, that it was in vain to attempt to carry out laws which men did not care to observe. These words seem to be applicable to the present circumstances of that country. My Lords, if Ireland desires to have that prosperity which has so often been dashed from her almost in the moment of fruition, she can recover it only by learning that lesson which both individuals and nations must learn—obedience to law and to constituted authority.

THE LORD CHANCELLOR: My Lords, at this late period of the debate I shall condense as much as possible the few remarks I have to offer on the Bill which is now presented for your acceptance. I have certainly been somewhat embarrassed by the way in which noble Lords have spoken, and I am somewhat puzzled how to deal with arguments that were supposed to have been addressed in opposition to our measure, but which, at the same time, made large concessions to its principle, and were, in fact, in many points, arguments directly in favour of the Bill. The words of the noble Earl who has just sat down (the Earl of Carnarvon) were remarkable. He said that he was disposed to support the second reading of the Bill in the interest of the landlords, in the interest of the peaceable portion of the community, in the interests of the Empire, and in the interests of Ireland herself. But while admitting these advantages as exceptions, he said that on all other points but these he opposed the Bill. But, my Lords, the exceptions remind us of those made by Beaumarchais when he said that, excepting all comments on the Government, on the Sovereign, on the nobility, on authors, and on theatres, the Press was perfectly free. This question, my Lords, is of as great importance as any question which has ever been discussed by the Senate of this country; yet, except as to these great interests, the noble Earl says the Bill is mischievous and retrograde. Such arguments, my Lords, make it very embarrassing to those who have to reply to them. However, passing from that I will express my great gratitude both to the noble Earl who opened the debate, and to the noble Duke who replied to his speech; because their addresses have given a tone to the debate which has been, on the whole, well followed throughout its course. The noble Earl plainly pointed out the several subjects for discussion, such as he thought were necessary in order to satisfy the House that the principle of the Bill was correct—that being the function of an address anterior to the second reading. My noble Friend did not enter into minute details, but pointed out the general principles of the measure. The noble Duke the Leader of the Opposition followed in a tone which gave the greatest satisfaction to all who heard him, and particularly to those on the Government side of the House. His speech was framed in a tone of dispassionate and calm consideration, was free from party bias, and was characterized by a noble and candid desire to express all he could in favour of the measure, of which he approved on the whole, though he differed considerably from a portion of its details. My Lords, the principles that are embodied in the Bill are so few that I can deal with them very briefly. In the first place, I dismiss altogether that second portion of the Bill which has been distinguished as the plan of the right hon. Gentleman the Member for Birmingham. We come, then, to those clauses which are the really important portion of the Bill, and to those matters which require explanation—I do not and will not say justification, because I think we have reason to be gratified at the success which this measure has already commanded. Those points are — first, the Ulster tenant-right and the making that custom a legal and binding contract between the parties; secondly, the clause which gives to the tenant certain compensation over and beyond the actual value of his improvements; thirdly, those clauses defining what are improvements; fourthly, the making the payment for them retrospective; fifthly, the presumption as to those improvements; and, sixthly, the forbidding certain contracts. It has been objected to many portions of the Bill that it seriously interferes with the rights of property. But what is the matter we are called upon to consider? I hold that at this moment we are engaged, as the great inquest of the nation, in ascertaining what are the grievances and the ills which continue to keep Ireland in that sad and mournful state of chronic disaffection which she has so constantly exhibited. We searched into these matters 45 years ago in order to find a remedy. The attempts which have been made from time to time have entirely failed, because, as I believe, no one was bold enough to go to the real root of the matter. My Lords, I am prepared to show that this Bill is entirely founded on the highest respect for the rights of property, on a desire to secure those rights and to establish a secure tenure to the occupier as the best means of producing wealth to the country and improving the position of the landlords, and that it does so by means perfectly legitimate and consistent with every recognized principle of law — in speaking of the law I do not mean the law of one country or of another, but those principles of immutable justice which every country is bound to observe. I must here clear away what I think a fallacy in the principle my noble and learned Friend (Lord Cairns) endeavoured to establish to the disparagement of our measure, from the works of an author whose candour is admitted. Mr. Campbell tells us that, disguise it as you may, you cannot take from A and give to B but A must be robbed and deprived of something before B can be a gainer. This might be a correct principle to apply to landed property if a landowner were living by himself on his land and never let it, and each proprietor held his own land, controlling it by himself, and admitting of no other interest arising in connection with it. In that case the principle might be true that you could take nothing from A and give it to B without the gain of B being the measure of A's loss. But when you come to the complicated relations of landed property I wholly deny it. In various instances Parliament has dealt with these things. Take the case of ecclesiastical tenants, whose leases were in practice renewable for ever, you may say, because they were almost always renewed. But this double interest of the landlord and the lessee was found to be most detrimental in its effect on the interests of both, and it was thought desirable to interfere and consolidate the two interests into one: and the value of each when brought together was found to be much greater than the value when separate. Again, in regard to copyholds, Parliament compelled the lords of manors to enfranchise them, because it was found that the copyhold system was detrimental to the interests both of the lords and of the copyholders, and prevented the improvement of estates; and it was thought necessary for the Legislature to interfere to do that which was best for the interests, not only of the country, but of the owners of property themselves. A noble Earl (the Earl of Leitrim) who spoke to-night with vigour and vehemence with reference to the robbery we were committing—using rather harsher terms than any others employed in this debate, remarking that Satan, even with Mr. Gladstone's assistance, could not have produced anything worse than this Bill—that noble Earl said that the Encumbered Estates Act was an Act of universal robbery, and a great interference with property. An interference with property in one sense it certainly was; but there is no interference with the proprietory right where for the interest of both the landlord and the tenant you do that which tends to the peace and prosperity of the kingdom, and to promote that security of tenure on which the improvement of estates depends, and which is as much for the interest of the one party as the other. The statement made by Mr. Gladstone in "another place," in reference to the effect of security of tenure, has never been contradicted or denied; and, happily, we have statistics which strongly illustrate the advantage of that security of tenure which this Bill is intended to promote. Mr. Gladstone showed, on the authority of Arthur Young, that in 90 years before 1869 the income from landed property in Ireland had doubled; that in England in the same period it had trebled; while in Scotland, where there has been the greatest possible security of tenure, and where the greatest interest is taken by the landlords in the position of their tenants, it had actually increased in value six-fold. Nor does it stop there. We also find that, while in all Ireland the income from landed property only doubled in those 90 years, in the North of Ireland, where the Ulster custom prevails, it has trebled. Thus, where there is the greatest security of tenure, there, as you would naturally expect, you find the greatest improvement in agriculture. The noble Earl who spoke last (the Earl of Carnarvon), asked what return we give the landlords for what we take from them? I answer that we give them increased prosperity, and that we shall advance and increase the value of their property, as well as that of their tenants, because they will find their tenants disposed to improve—as they are even now disposed to improve, notwithstanding the insecurity which damps their energy—who will continue to improve, attaining under more favourable circumstances greater results. That is what we give the landlords in exchange for what we take from them. The noble Earl says—"You propose to increase rents—do you suppose the tenants desire increased rents?" I answer—"Yes; if they flow naturally from increased security, and if in proportion as rents increase so also do the payments awarded to the tenant in respect of capricious eviction increase." Having thus disposed of what I think a rather factitious view of the rights of property, let me now tell my noble and learned Friend what I think to be the principles of property embodied in this Bill. I think I am bound to do so because he challenged us how we could reconcile the Bill with the rights of property which we had promised to respect. From the beginning to the end we have sought to maintain this principle—it was the thing above all others we sat down to consider, how we should guard against interfering with those rights. Last night the noble Earl (the Earl of Derby) did us that justice when he said—

> "When I looked at the Bill and found you did not deal with proprietory rights I felt greatly gratified. I found you did not give way to the clamour which existed 'elsewhere," and I feel bound to say you took a bold and courageous course in so doing."

And we did respect the rights of property, and interfered in no way with proprietory rights. We gave a charge to the tenant with respect to his property. We made him, not a co-proprietor, not a man having a voice as to who shall be the tenant, but we gave him simply a charge upon the property to the extent of his interest. Therefore, I say, landlord's rights have been fully consulted. Then I come to the tenant's rights. Well, has he not rights? Here has been the great mistake. There are two cardinal principles which my noble and learned Friend (Lord Cairns) will not controvert—settled principles of the law—settled principles in the jurisprudence of every country in the world. They are these—that a man who makes a representation to another, on which that other person acts, is bound to make that representation good. That principle will carry you through every case in which the landlord has permitted a tenancy from year to year to be sold in order that he may obtain his rent from the purchase-money. In this case it would be very unjust to turn out the purchaser without compensation. My noble and learned Friend and I cannot differ on that; and I am sure the moral logic of his mind will always prevail over any other logic that may be imported into his speech. The second principle is, that wherever there is a custom largely prevailing over a district in regard to any subject-matter it is necessarily imported into any contract having reference to that subject-matter. The grand mistake has been this—we have been applying in Ireland the common law of England to a subject-matter and state of circumstances totally different from those that prevail in England. The mistake which we made in Ireland we made also in India. An intelligent Indian Judge wrote to me, asking what he ought to do in a case in which he was told he should act on the principles of common law. He knew, he said, that our common law was built up of all our customs and habits for centuries, and that our customs and Hindoo customs were quite different. How was he to apply it? A very sensible remark. But we have been applying the common law of England to a totally different state of things; and, whereas, in England you never allow anything to the tenant for his improvements, because everything necessary for the cultivation of his farm —dwelling-house, homesteads, barns, and all other needful things—being found for him, it is his own folly if he expends his own money on any other improvements, and he has no right to claim to be repaid; yet you apply the same rule to Ireland, where the tenant does all; he builds his house or his cottage, drains the land, makes his fences, gates, &c., and, therefore, the common law in Ireland ought long ago to have given him an interest in all these matters. Lord Mansfield was cited by my noble and learned Friend as having spoken the other way, and it is quite true that he did so. But I say—though it is a bold thing to say it—that a mistake was made on the part of Lord Mansfield on this subject. Lord Mansfield's memory needs no justification. What my noble Friend (Earl Granville) said was, not that the Irish Judges had leaned with an undue bias towards the interest of the landlords, and introduced what I think is a confusion of principle into the law, but he merely stated—and stated correctly—what the Irish Judges had decided. In a famous case an Irish Judge said that although it was contrary to all equity, he was obliged to decide according to what had been declared to be English law in the matter, and he could not question it. When the judgment was made known in Ireland it produced great terror throughout that country; and the Irish Parliament—a Parliament of landlords—passed an Act in effect reversing it, settling these things on the righteous principle of custom, and providing that the leases which had fallen in should be allowed to be renewed. I must say I never heard in the course of this debate one expression of complaint of the Irish landlords either from my Colleagues or from any noble Lord sitting on this side of the House. They did not say that the Irish landlords as a class were bad; far from it. But there are unhappily exceptions, and sad exceptions; and just as one unpunished assassination spreads fear and alarm over a whole district, so one of these unjust notices to quit strikes terror into the whole body of tenantry — and so things go on, the one reacting on the other until the blunderbuss is brought out to answer the notice to quit. My noble and learned Friend (Lord Cairns), at the close of his address, taunted my Colleagues and myself, and said what great sacrifices we had to make before we could bring our minds to adopt this measure. Well, however that may be, I have an acknowledgment to make—and I make it with shame—that I should have sat for so many years in the House of Commons and heard Mr. Sharman Crawford bring forward his Bills, and urge the adoption of some such measure as this, and always withheld my support from him. I did my duty years ago with respect to the Irish Church; for 20 years ago I voted for its disestablishment. Although, then, during the time I was in the other House of Parliament, I failed in my duty in regard to the Irish tenantry, I rejoice that now, at the latter end of my life, I have had an opportunity of doing this justice to the Irish people. And now I cannot help calling my noble and learned Friend's attention to a point my noble Friend the Secretary of State for India touched on last night—I mean the presumption with respect to improvements. My noble and learned Friend told us that both in 1853 and 1855 he gave notice of clauses giving compensation for retrospective improvements. Now, there are estates in Ireland where the value of retrospective improvements at the moment we pass this Bill may be no less than £7,000, £8,000, or £10,000. But there were estates existing when my noble and learned Friend introduced his clause on which the value of the retrospective improvements could not fall short of £10,000, and if my noble and learned Friend's clause had passed, which he said was better than any contained in our Bill, it would have transferred from A to B on these particular estates a sum of £10,000. As I said before, my noble and learned Friend's moral logic is very apt to be right. The logic of his heart I always trust; but the logic of his head I watch. I never doubt him as to a single fact, but I watch his deductions and his arguments. I now come to another head—the compensation given by the Bill, irrespective of tenant's improvements. Mr. Trench tells us that it is the greatest mistake in the world to suppose that the Ulster tenant-right arose from the value of improvements made by the tenants. He says that in general the tenants who avail themselves of the Ulster tenant-right are poor men who wish to emigrate, and that the agent of the landlord sets up "a little Insolvent Court," where he receives the value of the tenant-right, pays the landlord his rent, and, if the man is not in debt, distributes the remainder of the money among his family. Mr. Trench tells us that the man often gets £6 an acre, though he may not have executed a single improvement. But then as to the presumption of improvements. Observe, first, that there is not a single thing proposed in these clauses of the Bill which is not done freely by every good landlord. But then you say—"That is charity." Now, to legislate in a charitable sense is not good, and I never approve anything done in that way; but when we find that every landlord who is disposed to do good does it all in one direction, not giving to a church or an hospital, or other benevolent institution, then, I think, we may conclude there is something more than charity in all that — there is in it the recognition of a high moral right. A noble Lord who spoke to-night in opposition to the Bill, said he agreed that there should be compensation for retrospective improvements, because though legally they were the property of the landlord, they were morally the property of the tenant. I say that is the conviction of the landlords of Ireland, and we only take the Ulster custom as our guide in establishing the principle. A noble Earl (Earl Russell) who spoke early in the debate said that we lawyers are fond of presumptions. Well, we do like that presumption which experience shows is the thing that truth requires to be presumed; and where there are two parties to a contest, one making this and the other the contrary claim, the question is on whom ought the *onus probandi* to be thrown? We cannot decide this except on presumption. In England the landlord is the owner of his land, and of all that stands upon it; and, therefore, if a house has been built upon the land, the English law very properly presumes that it was built by the landlord. But in Ireland the case is exactly the contrary. We learn by the Devon Commission that in Ireland the improvements are, as a rule, made by the tenant, and that improvements made by the landlords are the exception: therefore, in the Bill, we presume the rule, and not the exception. If it can be proved that things have changed since the Devon Commission reported, then the case is different; but until that is shown the presumption is in favour of the tenant. And as to the question of facility of proof, who can doubt that the landlord is better able to prove his case than the tenant? The landlord in Ireland, when he has no agent, acts directly himself, and keeps his own accounts. In the case of an agent being employed, all the transactions connected with the estate are, of course, recorded in his books. What does the noble Marquess (the Marquess of Lansdowne) say on this point? Why, he says that his agent could send him by return of post an account of all the improvements he has made. One word only, as to the freedom of contract. Suppose a man says to his tenant—"The Bill gives you a great deal of prospective property; but you must sign this paper and thereby waive your claim to the benefit of its provisions." Well, if the Bill is to be got rid of by three lines of writing, it is obvious we have not done much for the protection of the tenant. Now, my Lords, do they not require protection? I am ready to grapple with the noble Marquess (the Marquess of Salisbury) on his own theory, though that theory is contrary to law and fact, and take it that, when the law interferes between a man and his neighbour, it is only in a question of life; and I say it is a question of life when the tenants on a smaller scale are ejected. We have just heard from the noble Earl who spoke last that one-half of the holders of land in Ireland occupy land under £15. [The Earl of CARNARVON: 15 acres.] Under 15 acres—though it is pretty much the same thing—and one-third under five acres. Well, my Lords, can it be said that these tenants do not require protection? Let me remind your Lordships of a circumstance, which occurred a long time ago, and so my mentioning it can do no one any injury. I recollect—and I dare say many of your Lordships recollect—reading in the newspapers of the manner in which a rather eccentric landlord, well known, disposed of his superfluous tenantry. It was a very ingenious device to escape the charge of cruelty—and at first sight the plan, though ingenious, does not appear to be attended with any great hardship; but it was the practice of this gentleman to give to the tenants he desired to get rid of £2 or £3 a piece to pull down their own cottages. When I first read this account, I felt inclined to smile; but, my Lords, the humour is a very grim stroke of humour. He who depicted its results could only be such a man as he who was qualified to depict the Dance of Death. He would represent the peasant in his infatuation destroying his home, whilst the ghastly shadow pointed to the pauper churchyard or the American swamp in the back distance. Therefore, grappling with the noble Marquess on his own ground—which, after all, is not the true one—I say we are fully justified in saying that there shall not be full liberty of contract. I feel it would be unadvisable to waste your Lordships' time by going further into the details of this measure; but I implore your Lordships to consider one thing before you go into Committee. We are now engaged in an attempt to do what is right and just. I will not attempt to prophesy—I have no turn that way—all that we can do is to see as far as we can what we propose as the result of our measure. We have heard it acknowledged on both sides of the House that our intentions are good; we have had many concessions already made to us; from every quarter we are told that there are many parts of this Bill which are right and just; and the best proof that that is so is the fact that the noble Lords on the Opposition side of the House do not intend to resist the principle of the Bill. I am thankful for it; and I am not, I hope, taking an undue advantage in using that as an argument. I am thankful that that is so, because I believe it shows that they are willing to join with us in forming one unanimous body intent on saving Ireland, if possible, from the miseries which have hitherto afflicted her—because it shows that we are awaking to a sense of our duty, and that we have all one common object in view, differing only on points of detail. But if a Bill, which, after all, the landlords themselves tell us can in no way injuriously affect the interests of a good landlord, is to be changed—I do not use the words offensively—in a landlord sense, you will defeat the whole object of the Bill. You acknowledge that we have given only what was required, and that when we were asked to give what was unreasonable we held our hands. We have given what we believe to be right and just, and if you intend to make any serious alteration in Committee you undo the whole work, and you might as well throw the Bill out at once. If it fails to pacify Ireland you have done more harm than good. We are not driving you to charity by Act of Parliament. It is not in the omnipotence of Parliament itself to change the heart of the good landlords of Ireland; but there are some few who by their acts, however seldom committed, create a sense of insecurity which is detrimental to the whole landlord class, and inspire the tenant class with feelings of hatred towards all landlords on account of the misdeeds of a single individual. What we do is simply to oblige unjust and unruly landlords to obey that higher moral law which is sufficient guide for good landlords; and if that be accomplished the Bill will not be without its due effect. No harm will be done to good landlords, and we shall show how earnest the people of England are to place the people of Ireland on the same footing of peace and tranquillity as that which they themselves occupy, and I tremble at the possible consequences if a direction were given to this Bill which would justify its being charged with being a landlords' instead of a tenants' measure.

The Duke of RUTLAND said, he had listened with great attention to the debate, anxious to find a reason for giving a vote in favour of the second reading of the Bill. The noble and learned Lord who had just sat down had told them that, in his opinion, the Bill did not interfere with the rights of property in Ireland, and such was the general tenor of the speeches of the noble Lords on the opposite Benches. But the noble Duke the Secretary of State for India, who addressed them last night, expressed a very different opinion. He said he was astonished that anybody on the opposite side of the House who had considered that part of the Bill which proposed to give compensation for former improvements, did not see that it was a violation of the rights of property—I do not believe I have misstated the argument.

The Duke of ARGYLL: The noble Duke has misunderstood me. I quoted the argument of the noble and learned Lord opposite against the 3rd clause, and said it was equally applicable to Clauses 1 and 2.

The Duke of RUTLAND: I thought the observation of the noble Duke went further, for at the time when the speech was delivered I thought the language employed by the noble Duke so extraordinary that I believed I was the victim of my own deafness; but on referring to *The Times* of that morning I found that my impression of the noble Duke's statement was correct. Having said thus much, I am desirous of saying that I shall offer no opposition to the second reading of the Bill. I hope that it may be beneficial in manner and in spirit to the people of Ireland. As I have risen merely to point out an expression of my noble Friend, which I think so unfortunate, I may say that, in my opinion, the real cause of the misery of Ireland is not the oppression of the landlords, is not the difference of religion between Roman Catholics and Protestants, but is the legislation of this country—in one word, it is free trade in corn that has brought this misery upon the country. Ireland is an agricultural country, and you have deprived her of her market and the chief part of her trade; and I believe it is to that account alone that Ireland owes her present position.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative;* Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Thursday* next.

## PROTEST.

### *Against the Second Reading.*

*DISSENTIENT:*

"Because some of the provisions of this Bill are opposed to the just rights of property, and are admitted by its advocates to be unfit to be made the law in England and Scotland, and to be only justified in Ireland on account of the existing relations between landlord and tenant in some parts of that country, which they consider exceptional, and hope may be removed under the operation of this measure.

"Because it is proposed that these provisions, instead of being imposed for a limited period to meet an exceptional state of things, are to be enacted permanently, and thereby appear to be established as principles which ought to exist by law at all times between landlord and tenant, and any attempt to repeal them, although the exceptional reason for their introduction may have passed away, will be attended with serious opposition and discontent.

"Because this enactment of them as principles is likely to lead to agitation for the extension of similar provisions to England and Scotland, in order that one system of permanent law on the subject may be established throughout the United Kingdom.

"Redesdale; Lucan; Malmesbury; Kilmaine; Grinstead; Saltoun; Oranmore and Browne; Somerhill; Saltersford; Clements; Dunsany, for first and second Reasons; Moore; Templetown; Manchester; Dunsandle and Clanconal, for first and second Reasons; Digby."

House adjourned at a quarter past Twelve o'clock A.M., to Monday next, Eleven o'clock.

# HOUSE OF COMMONS,

*Friday, 17th June,* 1870.

MINUTES.]—New Writ Issued—*For* Bristol, *v.* Elisha Smith Robinson, esquire, void Election.

Supply—*considered in Committee*—Civil Service Estimates.

Public Bills—*Committee*—Clerical Disabilities [49]—R.P.

*Committee—Report*—Local Government Supplemental* [153]; Sligo and Cashel Disfranchisement* [139]; Salmon Acts Amendment* [163].

*Report*—General Police and Improvement (Scotland) Supplemental* [136-173].

*Third Reading*—Customs and Inland Revenue* [156], and *passed.*

*Withdrawn*—National Debt (Consolidation and Dividends)* [21].

The House met at Two of the clock.

## NATIONAL GALLERY—THE TURNER COLLECTION.—QUESTION.

Mr. LAMBERT said, he wished to ask the First Commissioner of Works, Whether he considers that a considerable number of the pictures in the Turner Room of the National Gallery are creditable either to the national taste or to the national talent; and, whether it is not desirable that they should be removed, to give place to other works of art?

Mr. AYRTON, in reply, said, he should be very glad to answer the Question of his hon. Friend if he could do so, because he knew that the hon. Gentleman took a great interest in the Fine Arts; but to reply to the inquiry he should make himself arbiter of the national taste and national talent, which would be a difficult post in a country where everybody thought and did as he pleased. His hon. Friend might accomplish the object he had in view if he submitted a Resolution which would elicit the feeling of the House as to whether the pictures he had referred to should be retained or removed. He would then, at all events, have an expression of the good sense of an intelligent Assembly, whatever the national taste may be.

## ARMY—MILITARY PUNISHMENTS.

### QUESTION.

Mr. RUSSELL GURNEY said, he wished to ask the Judge Advocate General, Whether his attention has been directed to the recommendations of the Commissioners on Courts Martial and Military Punishments so far as they related to the provisions contained in the Mutiny Act and Articles of War, and whether it is the intention of the Government to introduce a Measure, during the present Session, to carry those recommendations into effect?

SIR COLMAN O'LOGHLEN said, in reply, that the recommendations of the Courts Martial Commission were of two kinds; some that could be carried out by the Executive, and some that could only be carried out by legislation. Certain of the former had already been adopted, others of them were under consideration. As regarded the recommendations which required legislation, Bills were in preparation which, having regard to the state of Public Business, it would be impossible to think of introducing this year, but no doubt his right hon. Friend the Secretary of State for War would introduce them early next Session.

## SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £34,023, to complete the sum for the Offices of the House of Lords.

MR. GOLDNEY said, he wished to know whether there was any scale by which the salaries of the officers of the House of Lords were regulated?

MR. STANSFELD, in reply, said, that the Estimate for the House of Lords was prepared by a Committee of the House of Lords and sent to the Treasury, and it was generally accepted by them without dispute. It was undoubtedly within the competence of the Committee of Supply to modify and even to reduce it; but a certain amount of respect was always paid to the Estimate, and it had not been their habit to scan it very closely. The salaries were now under the consideration of the House of Lords, and certain reductions would be made, some of which had been already determined upon.

MR. GOLDNEY said, that, what he wanted to know was whether the promised reductions were the result of some act of the House of Lords, or, whether they were mere verbal suggestions of the authorities of the day?

MR. STANSFELD said, that the reductions were those ordered by the Committee of the House of Lords, and they would be carried out.

MR. NEVILLE-GRENVILLE said, he wished to ask when the salaries commenced of clerks of the House of Lords who were appointed at the beginning of the six months' holidays?

MR. STANSFELD: At the time of the appointment.

MR. AYRTON said, that the duties imposed upon the gentlemen to whom the hon. Member referred were of a very important character, and he thought they might well be allowed six months to acquire a competent knowledge of them in.

MR. GLADSTONE said, he wished to supplement the statement of his right hon. Friend (Mr. Ayrton) by observing that officers of the Houses of Parliament were required to work during the night as well as during the day, and, therefore, they ought to be regarded as persons living in the Arctic regions, having a day of six months and a night of six months.

MR. RYLANDS said, he thought that the Secretary of the Treasury should give some explanation with regard to his statement that this House was not in the habit of disputing the Estimates for the offices of the House of Lords.

MR. GLADSTONE said, it was his duty to support the statement of the Secretary of the Treasury, because this question was one of a peculiar nature. It was not to be supposed that the Treasury would assume that control over the Estimates for the House of Lords that it was their duty to exercise over all other Estimates. Under the old usage the House of Lords were accustomed to regulate their own expenditure; but that House, in a spirit that did them great credit, had abandoned that privilege, and had consented that the expenditure should come under an annual Vote. Under these circumstances, it would not be becoming for the Treasury to assume that sort of command over that Estimate that they very properly exercised over ordinary Estimates.

COLONEL FRENCH said, he thought that the First Commissioner of Works ought to give some further explanation with regard to the refusal of the Lord Great Chamberlain to allow seats to be placed in the Central Hall. There was no pretension for calling the Houses of Parliament a Royal Palace, because no

Royal personage had ever resided there in modern times. Under those circumstances he could not see by what right the Lord Great Chamberlain exercised any authority over any part of the Houses of Parliament.

COLONEL SYKES said, he would call attention to the fact that the Civil Service Estimates had increased of late years from £6,000,000 or £7,000,000 to £10,000,000 sterling per annum.

MR. AYRTON said, in reply to the right hon. and gallant Member for Roscommon (Colonel French), he had to state that the building which the present erection had replaced had always been designated as "the Royal Palace of Westminster," and it had always had attached to it all the incidents of a Royal Palace. The office of the Lord Great Chamberlain was a very important one, and it had always been exercised in reference to this building. It was desirable that there should be some distinct officer like the Lord Great Chamberlain, to whom both the House of Lords and the House of Commons could look to regulate the occupation of the various apartments of the Palace which were not specifically devoted to the use of those Houses. It was not long since the House of Lords itself made some application to the Lord Great Chamberlain in relation to a Conference-room. With regard to the proposition of placing seats in the Central Hall, he must repeat the Lord Great Chamberlain had not thought it for the convenience of the two Houses that such a proposition should be assented to.

Vote *agreed to.*

(2.) £37,806, to complete the sum for the Offices of the House of Commons.

MR. BOWRING said, in reference to the item of £500 for salaries of the Division Clerks, he wished to draw attention to the fact that several discrepancies had occurred lately between the numbers reported by the Tellers of Divisions and the printed lists drawn up by the Division Clerks. In 49 Divisions there had been nine errors. The other evening, when the Tellers declared that the unusual circumstance of a tie had occurred, it appeared from the printed Division Lists, published the next morning, that the hon. Member for Boston (Mr. Collins) was in a majority of 1, and it was impossible now to ascertain which of the two alleged results was the accurate one.

MR. SCLATER-BOOTH said, he thought there could be no difficulty in ascertaining whether the printed Division Lists were accurate, because the names of the Members voting were given. He did not see under these circumstances that any reflection could rest upon the accuracy of the Division Clerks. He wished to allude to the salaries paid to the Referees of that House. When this Vote was before the House last year he made some observations on that subject. There were now two Referees instead of three, so that so far the expense of the Referees was reduced; but he had great doubts whether the system of having paid Referees was a good one, and should be continued. He was told, by those qualified to form an opinion, that the alteration which took place a few years ago, when Referees were appointed, was not a satisfactory one, and he thought the subject was one which ought to be reconsidered by the House.

MR. STANSFELD said, he would submit that this was hardly a matter for discussion in Committee upon the Estimates. The hon. Gentleman (Mr. Sclater-Booth) might take an opportunity of directing the attention of the House to it.

COLONEL FRENCH said, he was of opinion that no blame could be attached to any of the clerks who took the Divisions. It was certain that the name of every Member who passed the clerks was properly marked. In one instance, however, which had been referred to, the Member for Carlow (Mr. Kavanagh) remained in the House, and his name was accidentally omitted. His main object in rising was to protest against the ancient, but at present very unnecessary, disposition of the patronage of the House. Formerly it was necessary to vest patronage in the Judges, in order to secure proper and efficient persons to conduct the minor business of their Courts; and in like manner, up to the present moment, the Clerk of the Parliaments filled up all vacancies which occurred among the clerks in that House. There might have been a reason for this in former times; but, now that the education qualification had been so universally adopted, he saw no reason why the patronage should continue to be vested in that officer, and why the appointments should not be thrown open, as the appointments in other Departments were, to public competition. He wished, however, to state that he had no complaint to make of the individual who at present enjoyed the patronage in question, and who was a favourite of every Member of that House.

Mr. M'LAREN said, he thought the error in the Division the other day ought to be satisfactorily accounted for, as he knew there had been other errors of a similar kind. In the case of a Bill which he introduced and took a Division upon in the present Session, the name of a Member was put down as having voted, although he was 200 miles from the House at the time. It could hardly be assumed that the gentlemen who counted at the doors fell into mistakes. On the whole, he was of opinion that something ought to be done to make the Returns of Divisions as accurate as possible.

Mr. NEVILLE-GRENVILLE said, he did not think the clerks were answerable for these mistakes. Members were themselves to blame for not seeing that their names were correctly marked as they passed the clerks.

Mr. HUNT said, he would suggest that the numbers might be accurately ascertained by having a self-acting register similar to the "tell-tales" used at Waterloo Bridge. He seized this opportunity of calling attention to the great waste of time caused by the present mode of taking Divisions. Surely some method could be devised for taking the Divisions much more quickly. Without going into matters of detail, he would suggest that the subject was well worthy of consideration by Her Majesty's Government in the course of the coming Recess.

Mr. GLADSTONE said, that it was very refreshing to hear anticipations about the coming Recess, because they implied that, at all events, there would be a Recess. Although hon. Members were unable to abandon the idea that there would be a Recess, he thought few of them could realize the idea that it was approaching. He admitted that in some cases, particularly with regard to Motions for reporting Progress about midnight in a full House, the principal power of the Mover lay in the fact that each Division he took would occupy about 20 minutes. He quite agreed with what had been said by the right hon. Gentleman (Mr. Hunt); but it was doubtful whether the suggestion he threw out ought to be made by the Government or by the House itself. With regard to the remarks of his right hon. Friend the Member for Roscommon (Colonel French) respecting the patronage of the officers of that House, he did not think there was any cause to question or censure their conduct up to the present moment. The establishments of the House of Commons and the House of Lords must be regarded as outlying parts of the general body of the administrative service of the country. Therefore, it was not to them that we must look for administrative improvements. All we had a fair right to expect from them was that they should be ready to adopt changes which had been introduced and had received the stamp of public approbation in other Departments of the public service. He did not think they ought to adopt at the earliest possible moment every experimental change. At the proper moment, no doubt, the officers invested with this patronage would be prepared to follow the example of other Departments.

Colonel SYKES said, it was clear that if the Division Clerks were right the four gentlemen employed as Tellers were unable to count. He thought the errors were attributable to the clerks, although no doubt hon. Members themselves often caused them by passing by too rapidly. "Tell-tale" gates, he remarked, would give the numbers, and not the names of the Members voting.

Mr. GREENE said, he wished to draw attention to the existing arrangements respecting the exclusion of the public from the Lobby of the House. They rendered it very difficult for the friends of an hon. Member to communicate with him. Some alteration ought to be made, so that if a special message were sent to a Member it might reach him in a reasonable time. He also desired to suggest that it would be highly convenient if the name of the Member who was speaking were posted up in a conspicuous place in the dining-room.

Mr. STACPOOLE said, he concurred in every word which had fallen from the hon. Member who had just spoken.

Colonel FRENCH said, he hoped the alterations to be made after the close of the Session would result in increasing the accommodation in the dining-room. He thought some arrangement might be devised for informing Members when at dinner who was speaking, and the subject before the House.

MR. BOWRING said, that if the change suggested was made, hon. Members who happened to be in the Library ought to have the benefit of it as well as those who were in the dining-room.

MR. AYRTON said, discussion on the point would be taken more appropriately on the Vote for special works in connection with the Houses of Parliament.

MR. HUNT said, he thought that great inconvenience resulted in the case of persons who came to see hon. Members on business, being told in the Central Hall that the hon. Member asked for was not in the House, when the fact might have been, as had happened to himself, that he had been there the whole night. There ought, in his opinion, to be some means of giving accurate information, as to whether hon. Members were in the House or not to those who came *bonâ fide* to see them on business.

MR. P. A. TAYLOR said, if persons were not allowed near the door of the House, it would be very difficult for them to send a card in to a Member. He had heard it remarked, in reference to the present arrangement, that one of the first acts of the new Reformed Parliament was to turn their constituents further adrift.

MR. SCLATER-BOOTH said, he did not think the removal of strangers from the Central Hall worked satisfactorily. There was a great advantage in Members being as accessible to their friends as possible. It would be most convenient, therefore, in his opinion, to return to the old practice.

MR. DILLWYN said, he concurred in the view taken by the hon. Gentleman who had just sat down. The metropolitan Members might like the existing arrangement; but it was very inconvenient to Members whose constituencies were at a distance.

MR. HIBBERT said, he had had several complaints from his constituents on the subject. He thought that, if the present system was to be continued, some receptacle should be placed in the Central Hall, in which Members who were present in the House could place their cards.

MR. ALDERMAN W. LAWRENCE said, it would be a great mistake to suppose that the existing arrangement had been carried out at the suggestion of the metropolitan Members. He had always understood that it had been suggested to the Sergeant-at-Arms by some representatives of northern counties. The metropolitan Members would, he believed, be in favour of returning to the old system.

COLONEL PARKER said, he thought it was extremely desirable that constituents who lived at a distance should be afforded greater facilities for communicating with their Members than they were now afforded.

MR. STANSFELD said, that the Treasury officially had nothing to do with the question. He would, however, take an early opportunity of communicating with Mr. Speaker on the subject, and laying before him what appeared to be the general views of the House with respect to it.

Vote *agreed to.*

(3.) £44,193, to complete the sum for the Treasury.

MR. NEVILLE-GRENVILLE said, that he thought the sooner a Fourth Lord of the Treasury without salary were done away with the better. Such an officer, without pay, he looked upon as an anomaly. He should like, he might add, to see the salary of the First Lord of the Treasury increased, favourable though he was to economy. The present amount of the Prime Minister's salary—£5,000—was altogether too little.

Vote *agreed to.*

(4.) £66,032, to complete the sum for the Home Department.

MR. GOLDNEY said, he would suggest that it would be worth while to consider how far the expense of defraying the salaries of Inspectors should be continued as a charge on the public, and whether it would not be desirable that those Inspectors should be paid by the parties whose trades were more or less benefited by their action. The inspection of mines and factories cost some £35,000.

MR. LIDDELL said, it was rather hard that coal-mine owners should be called upon to pay for an inspection which they did not want.

MR. M'LAREN said, the inspection of prisons and constabulary was fairly charged upon the Exchequer; but the localities ought to pay for inspection under the Local Government Act, and the owners of fisheries should pay the expenses of Inspectors of Fisheries.

Colonel SYKES said, he desired some explanation from the right hon. Gentleman the Secretary of State for the Home Department as to the increase of £1,300 on account of the Home Office itself.

Mr. FOTHERGILL said, he wished to know what supervision was exercised over the travelling expenses of Inspectors?

Mr. HIBBERT said, the inspection of mines was not for the benefit of the owner, but of the workmen, to protect them from the danger which accompanied that employment. He did not think it was right, therefore, to throw the expense of inspection upon the owners. But as to inspection in the case of fisheries, the Local Government Act, and burial grounds, a considerable sum might be raised by fees from the persons who profited from the inspection. The cost of inspecting prisons was extremely small—only £1,920—but that of the reformatories was very large in comparison, being £2,700, which he thought might be reduced.

Mr. BRUCE said, he entirely admitted the general principle that wherever advantage was conferred upon property by inspection, the property should bear the costs of inspection. But, in the case of factories and mines, the owners did not call for inspection, and would willingly pay twice the cost of inspection to be relieved from it. All he could promise was, that the expenses of the Department in this matter should not be unduly swollen. As to the travelling expenses of Inspectors, if inquiry were made of those gentlemen, his hon. Friend (Mr. Fothergill) would find that there was certainly no want of vigilance on the part of the Treasury. An advantage was certainly conferred by inspection on the owners of salmon fisheries, and if his hon. Friend (Mr. M'Laren) would assist him with a plan for making a fair apportionment of the cost among them, he should be much obliged to him. It must not be forgotten, however, that the public also derived an advantage from this inspection in the increased number of fish that were now taken by ordinary fishermen outside the limits claimed by private persons. As to the Local Government Act, he was under an engagement with the House to charge the expenses of inspection under that Act on the localities which profited by the inspection. The whole subject, however, had been referred to a Commission, and he could not deal with the subject apart from the general question, upon which he expected from the Commission a very early Report. The increase of £1,300 in the expenses of the Home Office referred to by his hon. and gallant Friend (Colonel Sykes), was mainly caused by the salary of £1,000 paid to the Counsel for the Home Office. That was, in fact, a considerable economy. Mr. Thring, who had received a salary of £2,000 a year, had been nominally Counsel to the Home Office, and the Home Office had had the first claim to his services, though he was also employed in supervising the provisions of Bills for other Departments of the Government. By a new and economical arrangement Mr. Thring had now been transferred to a separate department, and supervised all the legislation of the Government; and, as it was impossible that the permanent Under Secretary at the Home Office could do all the legal work that had to be transacted there, it had been found necessary to restore the office of Counsel. With respect to the reformatories, his hon. Friend (Mr. Hibbert) must be aware of the immense increase of late years in the number of reformatories and industrial schools. Considering the amount of correspondence and the work done, he believed the Department was conducted as economically as possible.

In reply to Mr. Liddell,

Mr. BRUCE said, that one gentleman who appeared in the Votes under the title of Inspector of Mines, was not, in point of fact, an Inspector of Mines at all. Originally he had been an Inspector of Mines; but for a long time he had been constantly employed by the Government in other departments, though he still received his remuneration under the title of Inspector of Mines.

Sir JOHN HANMER said, representing as he did a mineral district, he thought that instead of the system of mine inspection being restricted, it ought to be increased.

Mr. DILLWYN said, that as at present conducted the inspection of mines was a sham. It should be largely increased or be done away with altogether. He should rather trust to good management, and with that view he would throw more responsibility on the owners.

Mr. MUNTZ said, he was of opinion that the House ought to know the provisions of the Mines Regulation Bill before it was called on to vote salaries for Inspectors. The present system of factory inspection was expensive to owners as well as to the public. The owners had to pay money to surgeons; if they did not submit to this black mail it would be worse for them.

Mr. RYLANDS said, that by their own peculiar crotchets Members of that House would greatly increase the public expenditure. His hon. Friend who had just spoken (Mr. Muntz) proposed some time ago to have an army of Inspectors appointed, in order to prevent people from being poisoned. He (Mr. Rylands) deprecated any increase in the number of Inspectors. It was a great fallacy to suppose that the Government could prevent casualties arising from carelessness and other ordinary causes.

Mr. GOLDNEY said, he thought the better principle would be to impose on owners of mines and factories the payment of the expenses necessary for the prevention of accidents. The owners of emigrant ships were obliged to pay for the inspection of those ships. He believed that the best mode of preventing accidents in mines and factories would be by the appointment of competent managers of works.

Mr. FOTHERGILL said, he was anxious that the Home Secretary should delay the Vote for Mine Inspectors until the Mines Regulation Bill had been brought forward. The whole system of Government inspection and interference was a mistake. In his opinion it had not saved a single life. If, however, there was to be inspection, he objected to the employment of gentleman Inspectors, who could do no good.

Mr. BRUCE said, that if there were any probability that the amount of this Vote would be reduced by the passing of the Mines Regulation Bill that would be some reason for postponing the Vote until after the event, but such was not the case. While opposed to any large increase in this Vote, he could not agree with the hon. Member (Mr. Fothergill) that the inspection of mines had not had a beneficial effect, because coalmasters themselves admitted that the system of inspection had had the effect of removing some of the worst evils. He had before shown that had it not been for the adoption of that system the annual loss of life in mines would be 1,500 instead of 1,000.

Mr. HERMON said, that the sums paid to the inspecting surgeons represented not black mail, but a payment for necessary services performed.

Mr. NORWOOD said, he thought that as inspection was carried on for the sake of the public, it should pay the cost. The whole system of inspection was unsatisfactory.

Mr. ANDERSON said, he thought it would be a most preposterous idea to charge the cost of inspection against the factory owner, because it was not in any way for his benefit that it took place.

Mr. MILLER said, he was of opinion that the employers of labour were responsible for carrying on their business with safety to the persons employed, and that, therefore, they were benefited by inspection.

Colonel WILSON-PATTEN said, he considered that the inspection of factories was carried on in a most useful manner; but it would be unjust to make the manufacturers pay the cost.

Vote *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £48,814, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1871, for the Salaries and Expenses of the Office of Her Majesty's Secretary of State for Foreign Affairs."

Mr. MONK said, he wished to hear some explanation of the "extra allowances" to officers in this Department.

Mr. RYLANDS said, he must point out the inconvenience arising from the present arrangements of the Foreign Office. The Parliamentary Under Secretary, who in this case happened to be a Member of that House, should be conversant with all matters going on in the Office, so as to be able to answer any question which might be put to him; but it appeared that many matters of importance were disposed of by the Secretary of State for Foreign Affairs in concert with the permanent Under Secretary, of which the Parliamentary

Under Secretary was not cognizant. The political representative of the Office in that House ought to be responsible for the expenditure; but the effect of the present arrangement was that the Permanent Under Secretary of State had more control than the hon. Gentleman who occupied a seat—and the tendency of permanent officers was generally in the direction of increased expenditure. In addition the present Permanent Under Secretary had been made a Member of the Privy Council, a quite unprecedented circumstance. Giving the Foreign Office full credit for the reduction of the expenditure for foreign service messengers from £23,700 to £18,000, he must complain that no details were given to show how the reductions had been effected, and what were the numbers, the salaries, and the expenses of the messengers—particulars which were given by the Home Office; and having a very confident opinion that the number and expenses of the Foreign Office messengers might be still further reduced without at all impairing the efficiency of the service, he would beg to move the reduction of the Vote by the sum of £2,000.

Motion made, and Question proposed,

"That a sum, not exceeding £46,814, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1871, for the Salaries and Expenses of the Office of Her Majesty's Secretary of State for Foreign Affairs."—(*Mr. Rylands.*)

Colonel SYKES said, he concurred in the opinion that the cost of these messengers abroad was excessive; but, gratified with the reduction shown in this year's Estimates, he would be content with an assurance that further economy should be effected if it were possible.

Colonel FRENCH said, he did not think the hon. Member for Warrington (Mr. Rylands) had made out his case for a reduction of the Vote.

Sir FRANCIS GOLDSMID said, he thought the existing arrangements respecting the Permanent and Parliamentary Under Secretaries had not been productive of inconvenience.

Mr. BOWRING said, he wished for explanations in reference to the item for telegraphic expenses. He thought it might be reduced now that the telegraphs had been transferred to the Government.

Mr. MELLOR said, he must call attention to the large pensions granted to persons who had rendered service to the Foreign Office. One gentleman had received £75,600, which was equivalent to £917 for every year from the date of his birth.

Mr. OTWAY said, he could assure the hon. Member for Warrington (Mr. Rylands) that there had been a reduction in almost every item of the Foreign Office expenditure. The number of messengers had been reduced from 17 to 15, and it was intended eventually to reduce it to 12. The hon. Member had spoken of £18,000 being a very large sum for the salaries and expenses of messengers; but he did not appear to have remarked the fact that that very item had, in one year, been reduced by £4,000. Every messenger received a salary of £400 a year; and, when travelling, was allowed £1 a day for expenses, his railway fare, of course, being paid for him besides. When a messenger was about to go abroad, he was required to have his luggage weighed at the Foreign Office, so that he might not take a larger quantity at the public expense than was really necessary for the journey. The bills they sent in were most strictly checked. He hoped, therefore, his hon. Friend would see that the course which had been adopted obviated the necessity for the present Motion. Every possible step had been taken to bring the expenditure within proper limits. Even if the number of messengers were further reduced at once, those gentlemen were entitled to pensions and subsequent allowances, so that the saving effected would be very small indeed. As to the constitution of the Foreign Office, he might remark that Mr. Hammond, the Permanent Under Secretary, had a greater knowledge of the business of the Department than he himself could pretend to possess. It was, of course, absurd to suppose that a gentleman with so much knowledge had no power. He was very much disposed to agree with his hon. Friend with respect to a division of labour. The person representing the Department in that House was he who was most interested in the financial matters connected with it; and he was not at all prepared to say that it would not be an advantage to the public service, that all financial questions should first receive the revision of the Parliamentary Under

Secretary before receiving the concurrence of the Secretary of State. As to the expenses of telegrams, it was impossible to say beforehand what they would be. He had some hope, he might add, that further reductions would be made, in addition to those which had already been carried into effect. There were only two clerks in the Department who received extra sums beyond their salaries. He hoped his hon. Friend (Mr. Rylands) would not deem it necessary to press his Motion to a Division.

MR. R. SHAW said, he thought the country was much indebted to the hon. Member for Warrington (Mr. Rylands) for the reductions which had been made, and should he press his Amendment he should give it his support. He objected not so much to the amount of salary of these persons, as to the numerous and unnecessary journeys which they made.

In answer to Mr. CADOGAN,

MR. OTWAY said, that a portion of the pay of the military *attachés* was defrayed by the War Department, and the larger part by the Foreign Office; but, although these gentlemen corresponded with the Foreign Office, they were to be considered essentially officers of the War Department, who selected them for the appointment, subject to the approval of the Secretary of State for Foreign Affairs.

MR. FOTHERGILL said, the salaries of the foreign service messengers appeared to be upwards of £750 a year. He had met some of these messengers when travelling abroad, and he remembered particularly travelling from Naples to Marseilles with one, who was a most terrific swell. During the whole night he regaled them with accounts of his shooting, and he never received a shooting invitation from anybody less than a Duke.

MR. D. DALRYMPLE said, he had also had experience of the foreign service messengers, and he must speak of them as very gentlemanly men. Considering what class of men they were, he thought them very badly paid.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(6.) £26,933, to complete the sum for the Colonial Office.

(7.) £35,749, to complete the sum for the Privy Council Office.

MR. MONK pointed out the charge of £8,000 for incidental expenses, which he thought a large one, in a total expenditure of £47,000.

MR. WHITWELL said, he thought the allowance of 10 messengers to 18 officials in the Privy Council Office excessive. In no other Department was there so large a staff in proportion. He wished also to know the reason for the increase in the veterinary department.

MR. W. E. FORSTER said, this increase was caused by the passing of the Bill of last year for preventing the importation of disease among cattle, and also for preventing the spread of disease at home. This duty entailed much labour, and required a proportionate staff. As to the messengers, it must be remembered that the Privy Council were constantly called upon to send messengers to other Departments, as well as to Her Majesty.

MR. ALDERMAN LUSK said, a large sum was spent for vaccination purposes, and he thought it was well spent; but there were people who were much opposed to it, and he asked whether it was necessary that other steps should be taken to extend vaccination?

MR. W. E. FORSTER said, he had reason to believe that the opposition to vaccination was nothing like so prevalent as it was. There was still some opposition, which arose partly from the propaganda of a particular school of medicine, and partly from a mistaken view, with which it was impossible not to sympathize, on the part of parents, that vaccination was a bad thing for their children. This feeling, however, was becoming less day by day.

MR. R. SHAW said, he thought that those who benefited from public inspection in the veterinary department—namely, the owners of cattle—should pay the costs of inspection, and that the charge should not be thrown upon the public.

SIR CHARLES ADDERLEY said, he thought the increase in the veterinary department was more than his right hon. Friend (Mr. W. E. Forster) had given an explanation of. It was a new sub-department of the Privy Council, instituted to carry out a single Act of Parliament, and it had a secretary, a chief clerk, a legal adviser, three inspectors, one first-class clerk, nine second-class clerks, and 22 other clerks, besides an office and store keeper, and others. The cost of the establishment was £8,000, being an increase since last year of £3,000. He could hardly conceive how this large expenditure was to be justified.

Mr. W. E. FORSTER said, if the right hon. Gentleman was back to his former position in the Privy Council Office, he would soon see that there was no difficulty in the explanation. If the Department had only to stop the importation of foreign disease, the work would be comparatively easy; but the Act required a vast number of Returns to be made from all parts of the country, showing the state of pleuro-pneumonia and foot-and-mouth disease from week to week; these had to be tabulated, and it could easily be imagined that the making of these Returns gave rise to a large amount of correspondence. Before the department had been re-organized, it was not at all unusual for the clerks to be kept at work until seven o'clock in the morning. This, of course, could not be expected to go on, and, therefore, the staff had been increased.

Mr. DENT said, he thought the department took rather too much trouble, and required more Returns than were absolutely necessary for the purpose.

Colonel SYKES said, he would suggest, in the matter of vaccination, that the distribution of a very few statistics on a small piece of paper, shewing the average number of cases of small-pox when vaccination was not enforced, and the number of cases since it had been made compulsory, would do much to dissipate the prejudice which was growing among the lower classes against vaccination.

Mr. C. S. READ said, he could confirm the hon. Member for Scarborough (Mr. Dent) ,as to the unnecessary multiplication of Returns required by the veterinary department, especially with regard to the foot-and-mouth disease; and it appeared that no use was made of them, for when he moved the other day for some tabulated Returns on that subject, it was found impossible to give them.

Mr. MONK said, he would beg to repeat his request for an explanation of the large amount for incidental expenses; and he must also ask the reason of the increase of the Health Officer's salary from £1,500 to £2,000 a year.

Mr. W. E. FORSTER, in reply, said, that a large sum was expended in the journeys of Inspectors, who were occasionally sent to the most distant parts of the country. A more intelligent and useful official than Mr. Simon, the secretary of the medical department, did not exist. The cause of the veterinary Returns from the country being so numerous was that, at first, it was impossible to judge what information would be useful; and the reason that the Returns relating to the foot-and-mouth disease were incomplete was, that some of the local authorities had refused to give the required information.

Mr. STAPLETON said, he thought that the Vice President should make some statement to allay the feeling, that the vaccine supplied by the public vaccinator could be used only at great risk. He hoped he would explain that it was the best vaccine that could be obtained.

Mr. RYLANDS said, that the moment a Department was constituted it commenced to pay salaries, which were constantly increasing. Higher salaries were paid by the Government than were paid by private firms for a similar class of duties. In connection with the Privy Council there was a "legal adviser;" and though no salary was put down for that officer, he had very little doubt that a salary would be provided for him in the Estimates for next year. He should like to know what the law expenses of the several Departments of the State amounted to. He was sure the sum was an immense one.

Mr. STANSFELD said, that "incidental expenses" was an item which appeared in the Votes of every Department. He thought, however, that it was desirable to give some fuller explanation of the item, and he would give directions in accordance with that opinion when the Estimates for next year were being prepared. The item, which amounted to £7,528, covered a variety of minor expenses, and, among others, the cost of employing writers or copyists. In the veterinary department the incidental expenses were apparently reduced from £1,950, in 1869-70, to £715 in the present Estimates; but that arose from the fact that the cost of employment of temporary clerks had this year been taken from under that head and put under the general head of salaries.

When the Estimates of the expenses of the Privy Council Department were first brought under his notice he was struck with the fact that out of 35 persons who composed the whole of the Privy Council staff, no fewer than 10 were messengers; but on inquiry of the present Permanent Secretary to the Treasury, who was formerly connected with the Privy Council, and whose regard to economy was well known, that gentlemen informed him those messengers were employed in conveying messages to sub-departments outside, and to the Sovereign, and that he did not think the number could be diminished. As Secretary to the Treasury, he had sanctioned the increase of the salary of the medical officer, Dr. Simon, from £1,500 to £2,000 a year; because he had ascertained that the gentleman in question had been obliged to give up private practice, in order to give his undivided attention to the duties of his office. The Vice President would not neglect to consider whether any reduction could be made; but he could assure the Committee that they had together gone fully into the matter, with the view of ascertaining how the work could be economically, and at the same time efficiently, performed. With regard to the veterinary department, the duty having been imposed upon the department by Act of Parliament, according to precedent they might have created a permanent establishment; but, instead of doing that, the Privy Council and the Treasury constituted a Committee, upon which his right hon. Friend (Mr. W. E. Forster) was good enough to serve, to inquire closely into the nature and amount of the work to be done, and then they took the precaution of saying that the establishment should not be a permanent one, and that they should be at liberty to reduce it at any time.

MR. R. N. FOWLER said, the hon. Member for Warrington (Mr. Rylands) seemed to think that the officials of the Government were much overpaid; but this opinion was not at all borne out by the facts; and if the hon. Member had a son whom he wished to start in life, he would hardly be likely to seek a career for him in the public service, especially the diplomatic. Judged by the standard of the medical profession, the medical officer of the Privy Council was not extravagantly remunerated. Doubtless, the honour of taking part in the government of the country was a consideration which was set off against the larger income sacrificed by abandoning private practice. Would anyone tell him that the hon. Gentleman opposite, the Under Secretary of State (Mr. Otway), was remunerated for devoting his great abilities to the service of the nation by the paltry stipend of £1,500 a year? A man of talent could make more in any other capacity. In the same sense the right hon. Gentleman the Secretary to the Treasury was not paid for his services by a salary of £2,000 a year, and he must be regarded as serving his country from a sense of public duty, and for the honour which that service brought.

MR. W. E. FORSTER said, that the duties imposed upon the Department were really of a very onerous and responsible character. It had not only to inquire into the nature of disease and to take measures for stopping it, but it had actually to stop it, and it had to undertake the responsibility of issuing Orders which might interfere very largely with trade. For the assistance required under such circumstances £1,000 a year was not a large sum to pay. To take a particular instance, during the prevalence of the foot-and-mouth disease the department had to consider from day to day how far it would interfere with the supply of food to the metropolis, and whether it should order such an amount of slaughter of animals imported as would, and at one time did, raise the price of food in London. The gentleman who was paid £1,000 a year, Dr. Williams, received that salary during the continuance of the cattle plague; and, when it pleased Parliament to impose these new duties on the department it was thought right that Dr. Williams should be replaced in his old position. The Inspectors not only looked after the importation of foreign disease, but also after what was going on throughout the country; and he should not be at all surprised if it was not found impossible to do the work with only two Inspectors. He believed that far more than the cost had been already saved by the impression produced upon pleuro-pneumonia; but if it were to break out again the Department must certainly require a sufficient staff to send officers about the country, to give advice and adopt such measures as might be necessary. It had pleased Parliament to impose upon the Department the duty of considering how far it could check cruelty in the carriage of animals and increase the supply of food by preventing the loss consequent on their unnecessary suffering. These things could not be done without expense, and the Orders which had been issued with reference to the carriage of animals would be a dead letter, unless persons were appointed to see that they were carried out. Something would have to be paid to a legal adviser; for, of course, it was necessary to have the assistance of one in the drawing up of important Orders, which had the force of Acts of Parliament.

Mr. C. S. READ said, he could understand how necessary it was that a man like Dr. Simon, who devoted his time and his talents to the service of his country, should be well paid; but Dr. Williams was a Doctor of Medicine who had not given up a practice, who had been secretary to a company now defunct, and who had no knowledge of veterinary science; and the remuneration paid to him did appear to be extravagant. They were told that the maximum salary was £800, and that there was a personal allowance of £200; and that was surely nothing more nor less than a permanent advance of £200. The salary of the chief clerk, too, had been suddenly raised from £200 to £600. As to the Inspectors, Professor Simonds and Professor Brown, they were able and eminent men, and their services were undoubtedly very valuable to the country.

Mr. D. DALRYMPLE said, that the question as to the payment of a secretary did not depend upon his being a man in large practice, but upon whether he had done his work efficiently; he (Mr. D. Dalrymple) believed he had.

Mr. M'LAREN said, that £9,595 were spent in the veterinary department, and that did not include local Inspectors at all the ports. All this expense arose from the importation of foreign cattle; and, in his opinion, the importers should bear the expense. He, therefore, recommended that three lines should be inserted in the Customs and Inland Revenue Bill, imposing a tax of 1*s.* a head on every beast imported. This would pay the expense of inspection without raising the price of meat, and the tax could not be regarded as contrary to free trade principles, because the cost of inspection was a necessary charge upon importation.

Mr. NEVILLE-GRENVILLE said, he was glad that suggestion had come from the other side of the House; if it had come from his side it would have been met by a cry of "Protection!" He did, not, however, agree with the proposal.

Mr. DILLWYN said, he hoped the incidental expenses would be fully explained in next year's Estimates.

Mr. GOLDNEY said, he thought the proposal of the hon. Member for Edinburgh (Mr. M'Laren) a very good one.

Mr. CANDLISH said, he believed the expenditure of £2,784 for quarantine to be entirely thrown away. It was either too much or too little. If the regulation was of any value it ought to be applied to a larger number of ports than at present.

Mr. R. N. FOWLER said, that representing a constituency (Penryn and Falmouth) which took a great interest in the question, he felt bound to protest against any charge on the importation of foreign cattle into this country, which, as it would be a violation of free trade, would, he was sure, not receive the sanction of the Government.

Mr. ANDERSON said, he was in a position to support the hon. Member for Warrington (Mr. Rylands) in his opinion that the salaries of clerks in the Civil Service were too high as compared with the salaries obtained by clerks of similar capacity in commercial houses.

Dr. BREWER said, with regard to vaccination, he thought that the existing dissatisfaction was caused rather by the way in which vaccination was performed than by any disbelief in its effect. He believed that by the expenditure of a larger sum the difficulty might easily be removed. With regard to the fact of larger salaries being paid in public Departments than in private offices, it must be remembered that in private offices changes were made as opportunities of advancement occurred, but in public departments it was of the utmost importance that they should permanently retain the services of efficient officers, many of whom were content to receive less money than they could earn in private practice, simply on account of the honour which attached to them.

Mr. A. E. GUEST said, he hoped the Committee would not grudge the money laid out for the quarantine service, for it was well expended.

MR. ALDERMAN LUSK said, the foot-and-mouth disease was a serious matter to the owners of cattle, and the Government were bound to take all the means in their power to prevent its extension. £2,000 a year was not too much to pay to a chief medical officer of ability, and it was a salary with which many hon. Members would not be content.

SIR HENRY SELWIN-IBBETSON said, that, besides the advantage to the country, all this discussion would have been avoided if the Government had adopted the suggestion made for the establishment of a foreign cattle market. The Vote was not too large for the services that were performed.

MR. MONK said, he had not found fault with Dr. Simon's salary, but only asked why it was increased, and he was satisfied with the explanation that had been given.

MR. W. E. FORSTER said, that the chief clerk had been a most efficient public officer during the cattle plague, and when that was got rid of he naturally returned to the Department with which he had been previously connected. The matter of quarantine did not come under his superintendence; but he would take care that inquiries were instituted in accordance with the suggestions that had been made. But he wished to point out that if there was no quarantine service, the Mercantile Marine would be placed in an unfortunate position. With respect to the Under Secretary, he was one of the most efficient public servants. The permanent head of such an Office was more in the position of a managing partner than of a clerk, and for a salary of less than £800 or £1,000 the country could not expect to get the services of an acceptable man.

Vote *agreed to.*

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £75,114, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1871, for the Salaries and Expenses of the Office of the Committee of Privy Council for Trade and Subordinate Departments."

MR. BOWRING said, that was what was called the Board of Trade was really no Board. Formerly there was a President, Vice President, and a large nominal Commtttee, but that Committee no longer existed, and the Office of Vice President had been abolished. Now they had a President, who was unable to attend to his duties, and a Secretary whose duty it was to carry out the instructions of his chief. Highly as he valued the services of the Secretary, he yet thought that the public service suffered from the absence of the responsible head of the Department. He (Mr. Bowring) had assisted in the formation of the Library of the Board of Trade, which included a very valuable collection of works on political economy; and a librarian was appointed at a salary of £600. A year or two ago, when the Board of Trade removed from their old offices to Whitehall Gardens, the library was placed in a shed at the back of the Privy Council Office—a position in which it was not safe—and it still remained there, where it was of little use. He hoped to receive an assurance that this state of things would be remedied. Last year it was said that the appointment of a corresponding clerk in the railway department at £400 a year was only temporary, but now it appeared to be permanent. He hoped that the gentleman who held it might be put upon the ordinary staff of the Office without injury to the other gentlemen who were already there. Some explanation ought to be given on this point. He congratulated the Government upon the fact that they had abolished the office of dustman.

MR. WHITWELL said, that the Inspectors of Limejuice were henceforth to be buried among the "miscellaneous items." He strongly objected to this, and therefore moved that the Vote be reduced by the sum of £1,280.

Motion made, and Question proposed,

"That a sum, not exceeding £73,834, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1871, for the Salaries and Expenses of the Office of the Committee of Privy Council for Trade and Subordinate Departments."—(*Mr. Whitwell.*)

MR. NORWOOD said, he thought the change that had been made in the constitution of the Board of Trade had worked extremely well. The weak point in its organization was the low salary of the President, which, he would suggest should be increased. It was an extremely unfair thing that a man of Cabinet rank should hold that position with a salary of only £2,000 a year. He believed that practical difficulties had arisen from the salary being too small, and that men whom it would have been very desirable to have in the Office had declined it on that account.

Mr. SHAW - LEFEVRE said, he would briefly point out that the incidental expenses in the Vote had been reduced by £900, and the cost attending the inspection of limejuice had been reduced by £200 or £300. There were now no special salaries for this work, which was done by officers who held other appointments. As to the library, that would remain where it was now until it should be removed to the new offices, which were now building. The corresponding clerk appointed by the late Government had been found to be an exceedingly valuable officer, and had therefore been retained temporarily. He might add that, since the Estimates had been prepared, reductions in the Department to the amount of upwards of £2,000 had been effected, and the reductions would have been greater but for the fact that there were no less than eight Bills now before Parliament which threw additional duties upon the Board of Trade.

Resolutions to be reported upon *Monday* next;

Committee also report Progress; to sit again *this day*.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## UNEMPLOYED LABOUR.

### RESOLUTION.

Mr. W. M. TORRENS,* in rising to move—

> "That the continued want of employment among those who live by waged labour in many of the great Towns of the Kingdom calls for the special consideration of this House, with a view to the means that may best be devised for the remedy of the same without delay,"

after referring to two Petitions on the subject which he had received for presentation, said, on that midsummer eve, when the weather was comparatively genial, when the town was full, and there were various alternatives of temporary occupation that helped men to forget the long interval of involuntary idleness, with all its attendant privation, through which they had passed, the House was free from that direct pressure of importunity and alarm which at an earlier period of the Session might have been said to interfere with their dispassionate judgment in the matter. But great classes of the community, both ratepayers and working men, had suffered bitterly last winter and the winter preceding, and all the inquiries he had been able to make confirmed him in the opinion that there were no new openings for trade in the winter that was approaching sufficient to give any guarantee against the recurrence of like misery. He also feared that the Poor Law Returns did not indicate that great improvement which would, if the logic of such statistics were admitted, discharge this House from the responsibility which many felt regarding the next six months. He was not going to discuss the administration of the Poor Law, and he asked the House to consider the question of the want of employment wholly apart from the question of poor rates and pauperism. What the House had to provide for and deal with was not that class which, being from various circumstances broken down, came upon the rates for relief, but those who were able to work, who wished for work, and who had not work to do. Three or four months had been spent by Parliament in securing the means of living to Irish tenants, and a million of money was to be devoted to this purpose by the State. Again, New Zealand had become discontented and alienated, and sooner than suffer that sore to canker, substantial help had been given by the State in order to promote emigration and afford employment in that Colony. Government had in their possession proofs which they probably were wise not to produce, and which he was not about to call for, of the extent to which, in the case of New Zealand, alienation had gone; and they knew too well the degree in which the feelings of the people of Ireland had become estranged before measures of concession were resolved on. Surely, if Ireland and New Zealand, being on the brink of disaffection, had been so generously dealt with, it was not unreasonable to ask the House to consider what could be done, though not in the way of lavish grants, to improve the condition of classes of our countrymen who were certainly as peaceable and as little importunate as these. There was conclusive evidence to prove that unexampled poverty had prevailed for the last three years in the great towns of the kingdom; that that poverty, though at present alleviated, was likely to recur; that it was aggravated every day by the mere natural increment of population; and, as had been well said by a rev. friend of his—

> "This distress did not arise from any mere oscillation of trade; but was one of those great changes in the progress of surplus population with which, sooner or later, Parliament would be obliged to deal."

He took a recent opportunity of consulting the Registrar General, who said there was no reason to expect in the next decennial period that there would be any falling off in the increase of our population, which was now going on at the rate of 1,000 a day. The pressure occasioned by this increase was concentrated in the larger towns of the United Kingdom, whose aggregate population had risen enormously in recent years. He held in his hand a table verified during the present week by the signature of the Registrar General, from which it appeared that in the last 19 years the population of the 20 largest towns—counting the metropolis as but one—had risen from 5,225,000 to 7,216,000; so that at a very moderate computation the increase in these great centres of population would be found by the Census of next year to amount to considerably more than 2,000,000. But the total increase in the realm in the same period would appear to be about 3,500,000. There was, therefore, little reason to doubt that when they had the figures of the 15 or 20 next largest cities, it would be found that the whole of the additional population of the kingdom was concentrated in the towns. Formerly, this was not the case; but, of late years, Ireland and some agricultural counties in England, as well as many of the smaller country towns, had steadily decreased in population. He would not discuss the causes which had led to this important change in our vital statistics. The successive alterations made in the law of chargeability had, he believed, a great deal to do with it. Modifications in our system of trade had, in some places, a great deal more. All he desired was that note should be taken of the fact as one that was essential. If the large towns had become the places where great fortunes were to be made, they were also the places where great masses of poverty were accumulated. Now, this was the question to which he had to ask the serious attention of the House. He hoped that question would not be evaded by the attempt to raise any false issue as to the general causes of increasing poverty. He had heard it sometimes said that if there were no trades unions, the people would be all employed, well off, and contented. He had never spoken a sentence, or written a line in favour of resort to strikes, which had frequently, he believed, done much harm. But the man must be profoundly ignorant of the actual condition of things around him who believed that they were to be accounted for mainly, or to any important extent, by misdirected combinations among workmen. Their total number in the United Kingdom had been estimated at upwards of 5,000,000; while the minority enrolled in trades unions of all kinds did not exceed 800,000; and of these it was notorious that a large proportion had not for many years been engaged in any contention with their employers. Take Birmingham, for example, which was said to be the place where unionism was weakest, and where, accordingly, he might be told that employment was good. He rejoiced to believe that, comparatively speaking, it was so. But what was the testimony he had received within the present week, from two of the most intelligent and reliable persons in that town? They were both well known to his hon. Friend (Mr. Dixon), who was their representative; and he would attest the value of any statements made by them. The clerk to the guardians, replying to a letter of inquiry from one whom he could have no other desire than impartially and correctly to inform, wrote—

> "There is a considerable number of persons unemployed, who will not apply to the guardians: for the most part artizans. Many would emigrate if aided, themselves paying a small sum per head.

The editor of an influential journal corroborates this view—

> "The gun trade, he says, is very bad, and is not likely to grow better. Of 4,000 engaged in this trade more than half are unemployed, and

will remain so till they can be drafted off into other callings. These are not paupers, and if they take parish relief, they only do so under severe pressure. Many would emigrate if aided, supplying part of the means themselves. I receive daily inquiries from workmen about emigration agencies, rates of passage, &c. The same observation applies to the districts round, and to the Black Country. Any information about the Colonies or the United States is eagerly caught at. There is no town in which unionism is so weak as in Birmingham."

Neither was it just to ascribe the prevailing want of work to the evils caused by drinking or betting, which latter he had reason to fear was an increasing habit, and one much to be deplored. But it was well known that gambling was most indulged in where work was plenty and wages high; and, as for intoxication, he would endorse unreservedly the thoughtful and just expression in a letter he had received that morning from the rev. Mr. Temple, incumbent of Upper Kennington, in which, after lamenting the want of profitable labour which existed even now, and the prospect of its grievous aggravation in the later months of the year, said—

"I cannot attribute all distress as arising from excessive drinking, as is sometimes done, because I believe distress occasioned by want of work, depresses the mind and leads to the habit of lulling trouble by drink; and this does not prevail only among the labouring classes, but in a more refined manner is to be found in the higher ranks of society."

But to whatever extent misery was caused by evil habits, where was the class among them without sin entitled to cast the first stone, when the casting of that stone meant a sentence of death? He held in his hand a mass of correspondence from clergymen, employers, and physicians of all shades of opinion, and all spoke of the deep distress prevailing throughout the metropolis last winter. Dr. Lee, All Saints, Lambeth, said—

"A very considerable number would be only too thankful to emigrate from this parish could they see their way to do so. I have never known such misery among the lower classes as they endured last winter; and it amazes me that statesmen do not insist upon a Government scheme of emigration to the Colonies."

Mr. Owen, St. Jude's, Chelsea, said—

"One-third of all trades are out of work, except the mendicant trade, which flourishes most when it is notorious that there is least work to be had. The well-known want of employment is an indirect endorsement of fraud. Whether failing commerce or surplus population be the cause, emigration meets both difficulties. There is no other remedial proposal so easy, so cheap, so otherwise desirable, as an extensive organization to send men to where there is land on which to live by their labour. If Government would make an emigration loan advance, to be repaid after given periods, thousands would avail themselves of the boon, who soon will be a costly and dangerous burthen on local rates or public charity."

The Rev. T. Nolan, of Regent Square, wrote—

"Out of a population of 11,000 there are 1,300 families depending on waged labour, the half of whom have not regular work. The poverty of this part of London is coming in like an armed man. Desultory efforts no longer yield even a temporary mitigation. Government must grapple with the evil. The question is not of alms but of productive work, the want of which among skilled labourers is not so great as among unskilled. But a third of these have been without work last winter for three or four months. Of the shoemakers the greater part had only occasional employment during the winter. Five hundred are day labourers, of whom a third are unemployed three or four months. Tradesmen complain of want of business, ratepayers are greatly burdened, and general depression prevails."

A partner in one of the largest building firms in the metropolis, who was one of the best educated and most intelligent men he was acquainted with, told him the other day that their wages-book showed payments last year and this of more than a thousand guineas a week less than they had been three or four years ago; that he saw no prospect whatever of trade reviving, and that he could have to-morrow hundreds of men if he wanted them, able and willing to work, both artizans and labourers. The gentleman in question did not happen to agree with him (Mr. Torrens) in all his views of emigration; and he made his opponents, whoever they might be, a present of the admission. On the other hand, he must add that his friend had frankly said to him —"I know that we are no worse off than other large houses, and that if asked they all would say very much the same." This was in Bloomsbury. In another district, one that seemed among the most favoured in many respects—he meant the pleasant and healthful region lying between Highgate and the more densely-peopled portion of the town—another employer, Mr. Wiltshire, wrote to him thus—

"During the last winter I know from my own knowledge that many industrious artizans and labourers were driven to the stoneyard in order to provide food for their families. In several instances I recognized men who had worked for me in the building trade, who begged me to give them work to relieve them from the degradation of taking parish money. A man who had worked for me as a foreman bricklayer, came and implored me to give him labour of any sort, so as to take him from where he was working for 1*s*. 6*d*. a day. But my building work has been stopped for months, and it will be a long time before any builder in Islington can recommence operations, In Holloway alone, which is about a fourth of the parish, there are about 1,600 houses unfinished or empty. Though the population of the parish is increased in the last 10 years from 153,000 to 240,000 many of the small shopkeepers are reduced to the greatest poverty, and hardly able to pay the heavy rates imposed on them, and in hundreds of instances the vestry is obliged to excuse them. In February and March last year we gave out-door relief to 35,000, and in the same months this year to 59,000 poor."

Mr. Timewell, who has also been largely engaged in building, and who takes an active part in local affairs, corroborates this despondent view, illustrating the downward progress of the district in economic condition by the striking fact that whereas the amount of property assessed for the relief of the poor has about doubled between 1856 and 1870, the amount given in out-door relief had been augmented five-fold. Dr. Ballard, referring to the Reports made by him as Medical Officer of Health, observes—

"I have pointed out the enormous increase of sickness which seeks relief from public sources, arising out of the distress of the labouring classes from lack of work, and altogether disproportionate to our increase of population. In 1865 I recorded 29,098 cases of sickness; in 1867, 34,692; and in 1868, 41,077. Last winter the destitution from lack of work, came very prominently before me when relapsing fever broke out among the labouring class. Nearly all were in a state of semi-starvation, which was most painful to witness; and I visited every family. The complaint of the men was that they could get no work, of the women, who kept stalls, that they had no customers. The want of food and firing in the bitter weather obviously led to the extension of the disease, to repeated relapses, and to a prolonged debility after convalescence. Our public sickness still continues very high for the season; the cost of food is rising, and unless some anticipatory measures be adopted, I look forward to next winter with dread."

He assured him (Mr. Torrens) that in many other suburban districts a similar state of things was to be found, and that from experience and observation he was confident no change for the better was at hand. It would be no answer to say that, although all this might be true of the metropolis with its 3,000,000 of people, Leeds was busy and the vale of Cleveland was bright with the glow of iron furnaces. The prosperity of one district was of no avail to cure the permanent wretchedness of another. He warned the House against being misled by averages on such a subject as this. There could be no question of averages between the rich and the poor, between the healthy and the sick, or between the wretched and the happy. It was an absurdity to tell a suffering man that he could not be very ill because his neighbours were enjoying good health. It was no reason against help when a house was on fire to say that there was not a sign of smoke from the opposite chimney. They might do well to take averages of exports and imports, of rates and taxes, of railways and telegraphs; but it was cruel and stupid nonsense to talk of average health, hunger, or despair. It was the duty of the House to disregard all arguments founded upon such sham calculations, and to do their best to prevent any class of the community becoming destitute, and, therefore, desperate. He did not ask the Government to provide work for a single man, or to do anything which could in any way be regarded as bordering on Socialism; but he asked them to deal with the working and the lower middle classes of this country in the same way as they had dealt with the people of New Zealand and of Ireland. A relieving officer in Bethnal Green wrote to him that they were inundated with surplus labour from the agricultural districts. The changes in the law that had been made of late years had rendered the great towns the drainage for the unemployed of the provinces, who were becoming a source of danger and demoralization. An East-end incumbent, the Rev. Mr. Caparn, says—

"From my own knowledge, and from information obtained from reliable sources, I believe more than half my people are unemployed, or not following their old employments. Many who were earning 50*s*. to 60*s*. per week, as well as less skilled labourers, are glad to unload barges or obtain any casual employment, and the number that are able to obtain work do not earn sufficient to support their families—the majority barely exist, and of some it is a puzzle to know how they keep body and soul together. I do not think there are many in my parish who have been immediately connected with strikes, though some, no doubt, have injured themselves in that way. For the last four years my people have suffered terribly, and notwithstanding the indiscriminate charity which has been given, and which has done much harm, the distress is rather increasing than diminishing."

Mr. Caparn would rejoice in any remedy; but though he has assisted in emigration, he fears it alone will not do. He ends by asking—

> "Are there not vast quantities of waste land in Great Britain that might be made to produce food for our increasing population ?"

He would add one more testimony, but it was that of a man whom he was sure the Prime Minister would not undervalue. The Rev. Dr. Miller, of Greenwich, wrote—

> "My strong conviction, which has for some time been deepening, is that this question—'How to deal with the unemployed ?' will, ere long, be the most urgent social question of the day. That very many are willing to emigrate if aided, not as paupers, is certain. I fear the want of employment will continue. Scarcity, and a hard winter, would probably bring the matter to a grave point."

So much for the metropolis. Now, as to the other towns, Mr. Russell, the able conductor of one of the Liverpool journals, said—

> "This is a city of refuge, or colossal workhouse, for all, many miles round, and for thousands from Ireland ; anything which would deplete the labour market elsewhere would greatly reduce the distress in this town. Casual labour ought to be organized here in order to avert suffering in bad times, which comes suddenly, and often lasts too long. Emigration would lessen the supply of cheap casual labour, which brokers like to have dangling about, of course. It is more popular with working men than with them."

Mr. Samuelson, brother of the hon. Member for Banbury, said—

> "During a great part of the year there is a very large amount of superfluous labour in the cotton and general produce markets. Only when favourable winds bring in a fleet of vessels is there full employment. One large cotton broking firm employs 50 regular hands as porters and weight takers, and 90 casually. Eleven months out of 12, they have no difficulty in engaging these hands at an hour's notice. Their warehouseman tells me that at 2 o'clock on most days he could go on 'Change and engage 500 hands in a very short time. Some ascribe the superfluity of labour to what they call high wages, which tempt men, they say, to flock into town during a flush of work ; and which being soon spent the men are unable to leave. I think what is wanted is a higher rate of wages to compensate for casual employment, and a well-managed trades union to regulate labour and counteract the influence of public-house-keeping warehousemen. A respectable man will, at any time, prefer 21*s.* a week with regular work, to the vicissitudes of a dock porter's life with 4*s.* a day. The facility with which extra hands are obtained, owing to the rapid influx of men when there is a flush of work, is not only the cause of frequent distress, but is indicative of a widespread superabundance of labour elsewhere."

The Mayor of Southampton endorsed the following statement :—

> "The Poor Law Returns give an average of men out of employment. But by far the larger number of persons would not have been in receipt of relief, and consequently I have no means of ascertaining their number. The Poor Law statistics would not give you a tenth part of the numbers out of employment."

Next Session the House must be prepared to have this question of the unemployed more fully discussed. It was becoming every day of more and more importance. Wild dreams were being indulged in, and desperate expedients were being mooted with the view of meeting the difficulty. As he ventured the other day to tell a noble Lord, who was better acquainted, perhaps, than any man of his order with the true condition of the people—"You who have good estates to lose or keep, had need to look to it betimes : the devil is looking over the wall ;" and his noble Friend replied—"I know it, and have often said so." He had been asked upon what ground he could advise Parliament to levy a tax for the benefit of a particular class, but he did not ask for a single shilling. The tax was already levied ; he asked only that it should be adjusted. If there were a large number of people out of employment, and if they did not find their way to the workhouse, they must live upon the wages of others ; and it was so. The poor would not see their neighbours dying from starvation without helping them ; and besides this, the poor rates were levied most unjustly. He knew of two proprietors, who drew from £30,000 to £40,000 a year from house property in Finsbury, and were not assessed a shilling to the local rates. As absentees they did not see the poverty of the district, and were therefore not prompted to charity. The remedy for this would not be found in any adjustment of local burdens. He recently met a distinguished friend often consulted by the Government upon the subject of commercial legislation, who asked him why, instead of requiring State interference in reference to surplus labour by means of emigration, they did not ask for the means of opening new markets to labour by negotiating the reciprocal abatement of Customs' duties, which stood in the way of greater intercourse with other countries. But the truth was that they who proposed State aid to emigration had been the most constant advocates of the free trade alternative, on which his friend Sir Louis Mallet in preference relied. All through last autumn and winter they had not failed to press upon the attention of the Government the policy of equalizing the duties on wines, which would not only cause a great expansion of trade with the Peninsular States, but with our own Colonies of Australia and South Africa. The Ministers of Spain and Portugal had long been urging the admission of their wines on the same terms as those of France, and only the other day he (Mr. Torrens) had introduced a deputation of Cape and Australian merchants to the Chancellor of the Exchequer, for the purpose of pressing upon him the expediency of the change, and the right hon. Gentleman had told them that the question had been considered, and that the thing could not be done. This was not the time to discuss the grounds of that determination; but if the alternative of new markets was closed against them, they had all the more right and reason to ask that some other should be sought, and, if possible, found. He thought that it ought to be impressed upon the Government that they were wrong in leaving the outflow of labour undirected. The Report of the Emigration Commissioners showed that out of 167,000 British-born subjects who left this country last year, no fewer than 133,000 proceeded to the United States. It was, he believed, a great error not to endeavour to prevent this. He was as hearty a friend of America as any man in that House, and could look back with satisfaction to the services he had rendered in preserving amity between the two countries; but he loved his own country best, and had little sympathy or respect for

> "The steady patriot of the world alone,
> The friend of every country but his own."

If they desired to hold the Empire together, they ought, while they had spare hands and the Colonies had spare lands, to marry the land to the labour and the labour to the land. Canada was able and willing to receive between 20,000 and 30,000 men, and yet they allowed people to remain here weltering in their misery. He, for one, would not advocate what was called "sending" men out of the country, because he did not think that was their business at all; but their duty was to strike down the toll-bars between this country and every other part of Her Majesty's dominions. Above £1,000,000 was annually voted in subsidies nominally for the postal service, but practically for the provision of floating hotels for the great comfort and expedition of first and second-class travellers. Those subsidies were professedly granted for postal reasons; but they had the inevitable effect of combining great luxury with great speed for those persons who were able to travel at high pressure and at great expense. Why, then, should not the working classes have their fair share of the advantages of improved transit? In every Railway Bill a provision was inserted that there should be third-class carriages, and why should they not have, in like manner, third-class ships? Doing this would naught impoverish capital, while it would make labour rich indeed. He would plant in the heart of every working man a fresh root of hope, of self-help, of loyalty. He would enfranchise him with something better than any mere political privilege—the sense that when he woke in the morning of life, and found the sky dark and the air chill, and work scanty around him, he might, by thrift and care, in a short time gather enough to purchase for himself, under the provisions of a great and merciful law, the right to pass the limit of his parish, of his town, or even of this old kingdom, and go forth to seek wealth and fortune, health and content, in whatever region and whatever zone there were lands untilled within the allegiance of the Queen. It would be possible, without any appreciable increase of national burdens, to enable many thousand families to emigrate, who, for want of material aid, were now unable to do so. Each adult should pay £3, and each child over 12 years of age 30*s*. For this they should obtain a family passage warrant to Quebec, Victoria, or Natal, as the case might be. The difference in each case might be made up in the following manner:—one portion should be defrayed from the Imperial Exchequer, one from the revenue of the Colony, and one out of a fund to be created by way of colonial loan guaranteed by the Home Government. The portions would not always be the same; but, taking all things into account, he thought the advantages and capabilities of contribution might fairly be considered equal. No plan, of course, could be wholly free from objection which attempted to deal with a problem so complicated, and one the elements of which were in several respects so diverse. But, at least, that which he desired to recommend might afford a way of escape from perilous uncertainty as to the means of livelihood to great numbers of industrious and respectable persons at present existing in daily deepening fear of absolute want. It would, on the other hand, supply Canada and Australia with the hands they more than ever need on terms much easier than, as far as he knew, had ever been heretofore suggested. He would have the Imperial Executive authorized to give the option to any Colony whose circumstances rendered it suitable for emigration from this country; and he would in every case give the colonial agent resident here a veto in the selection of passengers by these "third-class trains across the ocean." Each Colony would be left to judge for itself from year to year what addition to its population it could helpfully assimilate and absorb, and there would be no great difficulty in adapting the supply to the varying demand under this elastic system. The working men had given abundant evidence that they were ready to pinch themselves in order to accumulate £3 a head, and thereby prove they were not paupers. If this boon were refused them, who would convince them that they were duly represented in that House? Many of the Colonies would be willing to contribute an equal sum for each approved emigrant; and they of their abundance ought to contribute the remainder. The adoption of such a scheme would tend more than anything else to knit together the different portions of the Empire. He would not then discuss the policy pursued by his noble Friend at the head of the Colonial Department of withdrawing their troops from the Colonies; but surely if they withdrew force they ought to plant affection. Those who went to the Colonies would become customers for our manufactures, on which the tariff of the United States imposed a duty of from 30 to 70 per cent. It might, perhaps, be urged that the magnitude of our exports was an answer to his complaints; but he would remind the House that history recorded instances of great wealth existing side by side with great misery and want. By the mercy of Providence they were singularly happy in having many untried regions where they might most advantageously employ both capital and labour, and he was convinced that by a wise, judicious, and kind application of our laws and financial arrangements, they might facilitate the outflow of capital and labour to the extended sphere of British dominion, and, at the same time, confer unmitigated blessings upon this country.

LORD GEORGE HAMILTON, in seconding the Motion, said, he hoped the House might be induced to take immediate action in the matter, The hon. Gentleman who had brought forward the Motion had successfully combated the objections that had been raised against Government aid to emigration. The hon. Gentleman had said that the Poor Law statistics did not represent more than a tenth part of the misery and destitution prevailing in the country. He would himself briefly refer to the last annual Report of the Poor Law Board, which had within the last few days been placed in the hands of hon. Members. He found that the number of persons in the receipt of relief during the past year amounted to 1,032,000—a larger number than in any year of which we had a record, with the exception of the years 1849 and 1863. Now, the cause of the increase of pauperism in 1849 was that the policy of free trade had just been introduced; but that its good effects had not yet begun to be experienced; while 1863 was the worst year of the Lancashire cotton famine, which was admitted to be a national disaster. It was easy, therefore, to account for the increased amount of distress which prevailed in those two years, while he had heard no valid reason assigned for the pauperism of the last few years. The increase was, under these circumstances, he could not help thinking, a most alarming circumstance. On the 1st of Jannary in the present year he found that the number of paupers was 36,000 in excess of that of last year, and that at the end of the month of February the excess was 74,000. He would also observe, because he believed the present House of Commons was an economic House, that one cause of the increase of distress was to be discovered in the fact that thousands of persons had been turned out of employment in our public establishments. From the Returns to which he had already adverted it would be seen that in Greenwich, Woolwich, Deptford, and those other parts of Kent where their great dockyards were situated, the increase of the expenditure in the relief of distress for the last year had been 22 per cent, while in no other single district throughout the country had it been more than 8 per cent. In addition, he found that the money which had been expended last year in relieving the poor in England was in a larger ratio per head than in any year since 1835, except 1848. Those circumstances were, he thought, sufficient to justify those who brought forward and supported the present Motion. To such a Motion he had heard no objections except that although the state of destitution in the country was very bad it was not worse than it had been before, and that there was, therefore, no need of immediate action. That, however, was an argument which he could not help regarding as being very unworthy of that House, and which he hoped would not find favour with a Reformed Parliament. It was also said, not so much within as outside the walls of the House, with some plausibility, by gentlemen connected with the great manufacturing interests — "No doubt there is a great want of employment; but trade will improve, and we shall soon want every man in the country. Do not, therefore, adopt any scheme giving facilities to enable them to go to other countries." To such an argument there were, however two objections. He should, in the first place wish to know when the promised increase of employment was to occur. He had heard in the course of recent discussions in that House that the trade of the country was tolerably prosperous; but with 1,100,000 paupers, to whom must be added the hundreds of thousands hovering outside the circle of Poor Law relief, it must be an unparalleled increase of trade which would give employment to the whole mass of our poor. He would also wish to point out that if they could keep men until they wanted them—if, likewise, the longer they were kept the better they would be, there might be no objection to the adoption of that course. But they all knew that in the case of men who had lost their employment, and who had to fight the battle of life from day to day, the probability was that they would sink into a hopeless state of dependence, and would become so deteriorated that if after a time they were able to obtain work, they would be almost incapacitated from accepting it. He thought he might add that it was clear from the way in which the House had listened to the observations of the last speaker, they would be only too glad to adopt any means of relieving the prevailing distress which was not open to strong objection. One of the means suggested was their employment in the reclamation of waste lands; but he, for one, must frankly admit that he could never discover how work of that description was to be provided. Even in Ireland he found, from careful inquiry, that the waste lands which could be reclaimed with any reasonable prospect of remunerating those who might be engaged in the task were very small indeed. There was also another scheme which had been put forward, and that was the introduction of some change into our commercial policy; but when that subject had been brought before the House the Government had refused—he did not say without reason—to accede to any investigation with that object. Those two projects might therefore be dismissed. and then came the proposal for the adoption of some satisfactory system of assistance to emigration. Now, he wished it to be distinctly understood that he did not wish to see any man forced to leave his country. But it was, nevertheless, in his opinion, desirable that a man who could not find occupation at home should be able to go where he could find the means of employment, and where he might become an advantage to the community which he joined, instead of a burden to that which he left. It might be said that the plan suggested was Socialistic. But for the last 250 years we had had a Poor Law the very origin of which —the Act 43 Elizabeth—was the rankest socialism possible, because under it overseers were to find work for persons unable to get it. The principle contained in this Act had been put into practice, yet Socialism and Communism had not been found among us. He trusted that the House would not be influenced by these hard names. Those who would benefit by Socialism would be the very lowest class, who had nothing to lose and hoped to better themselves in the scramble. But the proposal of his hon. Friend (Mr. W. M. Torrens) was that those who were destitute, not from any fault of their own, should be afforded facilities for emigration to seek work in a country some thousands of miles off, where they would certainly gain nothing from the adoption of Socialism here. A residence in Canada had convinced him that it offered opportunities of employment such as did not exist in England. It was said that emigration to Canada would only swell the population of the United States, and that the emigration from Canada was greater than the emigration to that country. No doubt, during the time of the Civil War enormous bounties in the States tempted immigrants from Canada, and great difficulty was experienced in preventing English soldiers from deserting, because, even if they did not get the bounty, there was such a want of agricultural labour that they were sure of profitable employment. But since the war ceased, the heavy taxation, which was the result of the enormous War Debt, had put a stop to immigration from Canada. An indirect advantage arising from the adoption of the Motion would be the check it would give to indiscriminate charity, which was a great evil. If it were known that the Government had taken up this question of destitution, persons would hesitate before they gave any money in the streets. Parliament had spent months in discussing Irish grievances, and a Bill would probably soon become law which violated the first principles of political economy. The House were asked to sanction this Bill because they were told that there was a keen competition for land in Ireland, and that unless a man there found employment in the cultivation of the land he had no means of subsistence. Now, the competition of labour in England was not less keen than the competition for land in Ireland; and he doubted whether, within a short distance of this House, there was not more distress than in the whole length and breadth of Ireland. He did not ask the House to violate the principles of political economy or of free trade, but to place employment within the reach of persons unable to gain employment at home; and to send those persons to the Colonies instead of paying an annual sum for their maintenance here, and helping them in a state of semi-starvation and compulsory idleness. An eminent political economist had said that one of the great evils engendered by a high state of civilization was the local scarcity of employment. The difficulty was further enhanced when these local scarcities became general. They flattered themselves that they were increasing in wealth; but all this time the heart of the country was being eaten out by the cancer of pauperism. He confessed that the plan suggested by his hon. Friend (Mr. W. M. Torrens) was dimly shadowed forth; but he earnestly asked the House and the Government to consider and support it, for the present condition of affairs was, to a highly civilized nation like theirs, at once a danger and a disgrace.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the continued want of employment among those who live by waged labour in many of the great Towns of the Kingdom calls for the special consideration of this House, with a view to the means that may best be devised for the remedy of the same without delay,"—(*Mr. W. M. Torrens,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GOSCHEN: Sir, I have to thank my hon. and learned Friend (Mr. W. M. Torrens) for the courtesy with which he allowed Government business to come on at the Two o'clock Sitting, and deferred his Motion until this evening. I wish to draw particular attention to the terms of his Motion, because its tendency is very different from the particular scheme to which he addressed himself in his speech. I must ask the indulgence of the House if I travel over a certain extent of ground, because it will not do to let it go forth uncontradicted that the state of affairs in this country is such as it has been described. Do not let hon. Members be led astray by isolated facts and the descriptions given of particular places. The hon. Member referred to the metropolis, Southampton, part of Birmingham, and Liverpool; but did he deal with any great industry, such as the cotton trade or the iron trade, or any of the industries that are reviving again, and calling for labour even from the metropolis? It would be disastrous that the country should think it is in a worse situation than it really is. It is exceedingly dangerous to feel an overweening confidence; but there is danger, too, in the opposite direction. If a belief that the state of things is worse than it is leads us to seek remedies we ought to avoid, it is our bounden duty to remove the erroneous impression. I demur to the facts of the hon. and learned Member, and I deny the inferences which he has drawn from them; and I maintain that the remedy he proposes would be ineffectual for its object, even if it were possible for the House to adopt it. Why has he put the Motion on the Paper in the form he has done? Why does he speak of "devising the best means," without naming the particular scheme he advocates? It could not have been, I am sure, from any wish to evade the decision given from the Chair that the subject of State-aided emigration could not be renewed in this House this Session. What inference, then, are we to draw from the form of his Motion? It implies that if emigration is not a sufficient remedy for the want of employment, other means ought to be found by the Government for relieving the working class. Do he and the noble Lord opposite (Lord George Hamilton) pledge themselves to this plain inference which is clearly contained in the Motion? Suppose the emigration scheme breaks down, as it clearly will, are we to proceed to devise further remedies? What will the working classes think of the Motion? Is my hon. and learned Friend prepared to tell the working classes that it is the duty of Parliament by other means to find employment for them? Seldom has a Notice been put upon the Paper calculated to raise so false and dangerous an impression. My hon. Friend has taken upon himself a great responsibility, and, in assuming it, it was his duty to have laid a stronger case before the House. Is it sufficient to quote private letters when other authorities are at his command? I could quote a number of private letters to show that employment is reviving at almost all the centres of industry. But I should, indeed, not venture to rely exclusively on private letters in such a case. I shall show from numerous sources that work is reviving in the country. The hon. Member has told us of four places only where employment is very scarce. The statistics of pauperism bear upon this question to a very great degree, but the hon. and learned Member is quite right in not resting his case upon them. I quite admit that there might be a decrease of pauperism and yet an increase of suffering among the working classes. But the statistics prove that there is a great decrease of the depression which has existed for so many years. But the noble Lord took a different course: he quoted the last Report of the Poor Law Board; but if he had read the whole he would not have quoted what he did without first stating certain modifying facts. The noble Lord stated that there were 1,100,000 paupers in the country; and he wished to know what sort of a revival in trade there must be before we could find work for them. The noble Lord assumed that all this million of paupers were capable of work.

Lord GEORGE HAMILTON: What I said was, that there was 1,000,000 of paupers and some 100,000 on the mere outside of pauperism.

Mr. GOSCHEN: Yes; but the noble Lord argued as if we expected that the revival of trade would absorb them all. But of that 1,000,000 paupers, how many did the House think were capable of work—able-bodied in the real sense of the word? I dislike vague generalities. It is stated in the Report how many are sick, how many are aged, how many are widows, and that 350,000 of them are children. It is not fair to talk of that 1,000,000 as if that number represented men who are out of work, whom the revival of trade would absorb. The hon. and learned Member (Mr. W. M. Torrens) would find it rather difficult to show that there was so large an increase in the number of paupers that a revival of trade would not easily absorb those who are capable of work, and the revival of trade is, in fact, absorbing them fast at the present moment. A Return issued by the Poor Law Board a day or two ago shows that a large proportion of them have been already absorbed. Why take Returns for the 1st of January when we have Returns up to the fifth week of April? The January Returns show a great excess of paupers over the preceding year, but that was owing to the hardest winter we have had for a long time. Now we are not 1 per cent above last year; the Returns show we have reduced the excess until there are only 6,000 more paupers than there were at the same date last year. The difference between the fourth week of January, 1868, and the fifth week of

April in the same year, was 66,000; in 1869 the difference was 49,000, and in 1870 the difference is 117,000; so that we have already run off 117,000 from the great excess. Pauperism is going down, not up. If we except the metropolis and the south-eastern district, there would be a decrease on the pauperism of last year. The noble Lord quoted Poor Law statistics because he thought they strengthened his case; and, therefore, I feel it my duty to call attention to this point in order to show the real facts. Well, Sir, I scarcely know at this late hour what course I ought to take. I have before me a bundle of Papers containing a mass of evidence which, I think, will be of interest not only to the House, but also to the working classes, on whose behalf the Government is as anxious to legislate wisely as my hon. and learned Friend and hon. Gentlemen opposite can possibly be. I have not thought it sufficient to converse with, or correspond with, a few private friends. I have endeavoured to exhaust every source from which reliable information on this subject was likely to be obtained. I have asked the Factory Inspectors to report. I have asked the Poor Law Inspectors to put themselves in connection with everyone who could give them information. I have myself communicated with Members of the House who represent large towns, and have requested them to consult every authority whom they could possibly command, and I have watched every indication of the state of trade. I will not speak of the schedules of the Income Tax Returns, which, though they are not conclusive on the point, are to some extent indications. But I may allude to the Revenue Returns, which show that the working classes are consuming more sugar, more tea, more beer, more spirits, and more tobacco. Those classes are depositing more in the savings-banks and contributing more to the Imperial Exchequer; and I say here, on my responsibility, that in the most searching inquiry which I have instituted, I have found there is scarcely a single symptom on which we can rely that does not point to reviving prosperity throughout the length and breadth of the land. All the facts to which I have referred leave not a doubt of this—that the distress is not greater than it was a year ago, that it is not greater than it was two years ago, and that it is decreasing. The noble Lord has referred to the East-end of London. No doubt, the distress there is somewhat greater than it was a year ago, but not greater than it was two years ago; on the contrary, it is diminishing. No doubt, there is great misery in parts of the metropolis, and there is local misery elsewhere. The question, then, is—are we to legislate for a particular district; are we to go back from the great principle we have always acted upon of leaving the labour market free, of letting labour take care of itself? I contend that we ought not to do so unless a very strong case is made out. Sir, if the House will accompany me for a few moments into some details, it will learn what I have gathered from the Reports to which I have adverted. Mr. Cane, one of the Poor Law Inspectors, reports that in almost every part of Lancashire there is a considerable diminution of pauperism. In Yorkshire there is not so great a relief from the depression; but Mr. Cane, referring to Preston, Stockport, Liverpool, Manchester, Wigan, and the other towns of Lancashire, writes—

> "I have visited many Unions and attended a very considerable number of Guardians' meetings during the last months. In all the places I have been assured that work is now plentiful for those who chose to labour. There is at this time much agitation among the workpeople employed in factories and collieries, the object of which is to obtain that rise in wages which it is thought the improvement in trade enables them to demand. Manufacturers and others display a marked desire to retain the services of the operatives whom they employ, and I have observed an anxiety to draw to their mills workpeople from distant places, where it was supposed work was less abundant. In one instance, at least, I have known that the proprietors of a large cotton-mill have directed attention to the condition of the poor of the East-end of London as a source from which to obtain the 'hands' they could not engage elsewhere. . . I hope and believe that the marked improvement which has taken place in the condition of the working classes will be further increased and permanently sustained."

Parenthetically, I may ask my hon. and learned Friend the hon. Member for Finsbury (Mr. W. M. Torrens), why he speaks of transferring labour from England to Canada, and not of transferring it from the East-end of London to other parts of the country? In Stockport there has been a decrease from 2,500 paupers in May, 1869, to 1,500 in May, 1870, the decrease being thus 1,000. In Blackburn the decrease has been from

5,200 to 3,300, being a decrease of 1,900. In Liverpool the decrease has been from 11,900 to 10,700, being a decrease of 1,200; and in Preston it has been from 6,000 to 3,000 since October, 1867. Well, but I was not satisfied to take the Reports of the Poor Law Inspectors only. I applied to the Factory Inspectors, and with reference to the cotton trade, I have this Report from Mr. Ewing—

> "I can answer with confidence that there is a decided revival in the staple trade of this district and neighbourhood, and the improvement is very considerable when compared with the actual state of things at this time last year. We have evidence of this revival more particularly in the starting again of a number of the mills which had remained closed for a long time, and in the investment of fresh capital in new machinery and other ways. It is also seen in the increase of machinery being gradually brought again into operation in factories which had only been partially worked since the Cotton Famine. The workpeople, too, are again earning better wages, and but comparatively few of them need now remain unemployed."

On this subject, I may add that a large employer of trade in Liverpool says—

> "There is no scarcity of workpeople, but generally in the cotton trade they are almost fully employed."

A market report in the *Manchester Courier* of the 14th instant contains this statement—

> "Yesterday the Bolton Cotton Operatives' Spinners' Association forwarded another circular to their employers, asking the advance of 5 per cent on present prices, which was taken from them in November last. The circular sets forth that when the reduction was made a pledge was given that as soon as trade would guarantee its restoration the masters would be happy to give it back. The operatives' view of the question is that trade has so far improved, and its prospects are such as unmistakably to impress their minds with the belief that the time has arrived when that pledge should be fulfilled. In confirmation of that opinion they quote statements from *Burns's Monthly Colonial Circular* for May, in which it is stated that the long period of depression is drawing to a close, and that most encouraging reports are being received from the foreign markets, and that a large increase has taken place in the supply of the raw material from the United States. The daily increasing value in mills and mill property is also adduced as an indication of increasing prosperity. The operatives conclude by saying that the dangerous points are passed, and, although profits are not all that can be desired, still they consider that they are labouring under a reduction of 5 per cent below the minimum rate of wages, and that they have established a just claim to an advance equal to the amount of the last reduction. The circular states that the operatives will wait upon the masters for an advance at their (the masters') convenience."

I should also mention to the House that there are other indications all pointing to the same fact, that the cotton trade is reviving, and that production has considerably increased during the last few weeks. Then, with regard to the silk manufacture, another of the great industries of the country, how are the facts? Writing about the silk trade of Macclesfield, Mr. Steen, the Factory Inspector, states—

> "There are a great many buildings, which were formerly factories, and still contain machinery unemployed, and these, to a stranger, would lead to a belief that the trade was bad. This is not so; if hands could be obtained in sufficient numbers to fill them, many of them would be now at work. This difficulty is daily becoming less, and it has been ascertained that there are 700 and more cottage houses occupied this year which were empty last year, and these mainly occupied by silk operatives. The rate of wages has increased from 16 to 20 per cent within the last two or three years. At present the manufacturers are full of orders and the trade is very brisk; the weavers are fully employed, and many more could be also fully employed. The manufacturers complain greatly of the scarcity of labour."

Mr. Henley, Poor Law Inspector, reports of trade in Coventry, which town he visited. He attended a meeting of the Directors of the Poor. He says—

> "It happened to be an annual occasion for calling the roll of all the men in the workhouse, and investigating each case."

Mr. Henley reports of those in the workhouse—

> "They appeared as a class unusually aged and infirm. There was nothing approaching an able-bodied man. . . . The out-relief cases afforded no intimation of any want of employment."

In continuation the Report states—

> "Mr. Henley questioned the directors then present, all of whom were engaged in business. They informed him, unanimously, that there was work for all who were able and willing to do it, at good wages; that in any trade many persons were employed during a time of great prosperity who could not be called workmen, and that these were put out at the first pressure."

No doubt as a consequence of the pressure of 1866 a number of second-class workers were thrown out, and a portion of them have since reached an age which forbids them any longer to look for first-class wages. And this is a point to which I wish particularly to direct the attention of the House. It is notorious that in the metropolis many old men were employed during a period of prosperity who would not have been employed in slacker times; but surely my hon. and learned Friend the Member for Finsbury would not propose to send to Canada men too old for work in this country. There is not an absence of demand here for first-class labour. The second and third-class workers are those who have been thrown out by the depression here. Is this the class who are to be assisted to emigrate? And, again, I should like to know, does the hon. and learned Gentleman think that in Canada those who have emigrated will be able to take up occupations in which they have been engaged in this country, but in which want of employment has ensued and thrown them out of work? The hon. and learned Member speaks of the gun trade in Birmingham, and he talks of sending the workmen in that trade to Canada. But are they to be employed in Canada in the same trade? [Mr. W. M. TORRENS made a gesture of dissent.] The hon. and learned Member says, "No." Then they must take to some other trades, and why could they not do the same thing at home? Would persons in their position be better fitted for new employment in the Colonies than in England? Is the versatility to come in a colonial climate only? Will these men learn among strangers that which they cannot be taught at home? I hope that the hon. and learned Member does not think that obstacles would be interposed in this country to the migration of labourers from one town to another. It has been a question of grave deliberation for us how the surplus labour in one part of the country is to be transferred to other parts where it is required. The hon. and learned Member referred to Coventry in the course of his speech. Now Mr. Henley, speaking of Coventry, says he was informed by Mr. Harris, clerk to the guardians—

> "That there are now more houses in the course of erection than there have been at any time for the last 10 years, and he fully believes that Coventry is emerging from the cloud of depression which has overshadowed the whole city for the last few years."

These are encouraging facts, and facts which ought to be known. Again, in Brentford and the surrounding country there was great depression amongst masons and in the building trade last winter. This has now passed off entirely. The Chairman of the Uxbridge Union writes—

> "The brickmakers are now fully employed. No class or number of persons of the wage-earning class, who are able, capable, and inclined to work, are unable to obtain employment."

The slight increase—172—in the pauperism of the Brentford Union in the first week of June, as against the same week last year, is due to the drought. Then, as regards the linen and flax-spinning trade of the North of Ireland, to which the hon. and learned Member did not in any way refer, although the labourers in that trade contribute equally to the taxes of the country with those in any other trade in the United Kingdom, Mr. Philip Johnston, manufacturer, of Belfast, says—

> "Flax-spinners have had trying times, and many of them sustained heavy losses during the past year, but since January they have had a good supply of flax at comparatively moderate prices, and this, coupled with an improved demand for linen yarns, has bettered their condition, and at the present time more life is observable in this branch than for a considerable time past. [After speaking of the drawbacks to the trade]—We seem now gradually recovering from the effects of these combined circumstances, and have the appearance of fairer and brighter prospects. This applies, so far as my experience and observation go, to the entire North of Ireland, in every branch of the linen and flax-spinning trade."

I feel that in reading all these quotations I am not following the good example of the hon. and learned Gentleman, who only referred to three or four places; but in dealing with a subject of so much importance, I feel bound to lay before the House the most ample information upon the subject that I could obtain. I am informed—

> "The lace trade in Nottingham is still active. . . . . . There is a still further improvement to report in the shipping branch of the hosiery trade, more orders having been placed, chiefly for the United States, and, generally speaking, manufacturers are better employed in this department than for some time past."

The coal trade also, as one may expect in the event of a general revival of trade, is in a flourishing condition. Then one word as to a trade in relation to which a stronger case may be made out against the hon. and learned Member than in any other—I mean the iron trade—

> "I learn from Middlesbrough that the Cleveland iron trade is exceedingly animated. The demand for pig iron is almost unprecedented, makers on all sides being unable to meet their engagements and to deliver the iron as fast as it is wanted. From Newport, that the ironworks have been in full employ during the week. From Sheffield, that our heavy trades continue well employed. There is a good demand for all descriptions of steel, both for home and foreign markets. The railway branches are still well employed, as are also the mills. From Wolverhampton, that the iron trade is, on the whole, steadier this week. From Barnsley, that the iron trade is now in a healthy state and there

is a good business being done in plates and rails, as well as in other qualities of manufactured iron."

An hon. Member of this House has handed me a letter from Mr. Woodall, Burslem, stating that—

> "The iron trade has greatly improved, and may even be called flourishing. Orders for such goods as rails are in excess of the power of production."

Mr. Longe's Report on "Staffordshire Coal and Iron District," states of the South Wales coal and iron district, and of the South Wales copper and tin district "that the trade is steadily reviving; and that new furnaces are being daily erected at Dudley." Mr. Longe has received the following letters from the clerk of the Merthyr Tydvil Union, and of Cardiff Union:—

> "There are no labourers out of work who choose to work. We have had no applications from able-bodied men during last winter. There has been no decline during the past year in the demand for labour; but, on the contrary, an improvement. Work has been more plentiful, the state of the iron and coal trades being more brisk."

Thus, after all that has been said about what the foreign producer can do, it is to this market that the foreign buyers bring their large orders. The recovery of the iron trade has been stated to be perfectly unheard of, and I cannot refrain from reading the following extracts from a newspaper on the subject:—

> "Improvement of Trade in the Black Country.—One of the best proofs of the permanent character of the improvement which has recently been experienced in the iron trade in this district is the fact that several new furnaces are about to be erected. To-day (Friday) Messrs. Rose, of the Albert Works, Moxley, will begin a new furnace, which is to be furnished with all the modern appliances for economizing fuel and augmenting heat, which is, in fact, to be similar to the furnaces which have been worked with such satisfactory results in the Middlesbrough district. The South Staffordshire ironmasters have been slow to adopt the new furnaces, and to this many persons versed in such matters attribute the present backward position of the trade in this district. Messrs. Rose intend in a few weeks to erect a second furnace on the same principle in another part of their premises, and we hear that in a short time a number of new furnaces will be set to work in various parts of the Black Country.
>
> "Improved Prospects of the Iron Trade.—After the long period of dejection and distress through which our commerce has passed, it is very gratifying to read reports such as those from the iron districts, which are now gladdening the hearts of business men. From Cleveland correspondents write that every department of the iron trade is as busy as possible. Stocks of the raw material are exhausted; the orders already booked extend into next year, and more will not be taken except at enhanced prices. The mills and puddling furnaces are working to the full extent of their power to supply the demand for rails, and the foundries are busy with heavy castings. From Wales we get equally favourable accounts. Russia, the United States, India, and the Colonies are pressing upon the market, and severely taxing the resources of manufacturers. Great works which once gave employment to large populations, but which have long been closed, are being re-opened, and are now once more full of bustle and activity. From the Lanarkshire, as well as from the Birmingham and Wolverhampton districts, favourable accounts are also received; and, on the whole, it may be said that the iron industry of the country—which in its export branch alone has before now exceeded the declared value of £15,000,000 sterling—had never brighter prospects before it. After all that has been said of what the foreign producer could do, it is found that it is to this market that the foreign buyer comes with his large orders. The Americans at this very moment, notwithstanding their protective tariff, are ordering largely, and will take enormous quantities off our hands this year. One hope we may venture to express; we trust that the improved circumstances of trade will be allowed to benefit both employers and men; that capital will not be waylaid on its enterprizing and beneficent march, and deprived by ill-usage of all encouragement to devise large measures for the good of the community. The great trades of the kingdom are just now putting forth their resources, after a long interval of compulsory stagnation; they can absorb the surplus labour of the country, if they are only allowed fair play. In fact, Middlesbrough alone has lately been taking off more of the unemployed population of London weekly than our charitable emigration societies have sent out to the Colonies. It would be more than a calamity, it would be a scandal, if this improvement were arrested by untimely and unreasonable demands."

I am informed from the Merthyr Tydvil district of Wales that there are no labourers out of work, and that no applications are being made for relief by able-bodied men. Then as regards the Potteries—also an important branch of industry—an hon. Member told me the other day that the condition of this trade might be briefly summed up thus—the American pottery trade is somewhat flat, the home trade is good, and the fancy trade is magnificent. Again, the iron ship-building trade is reviving, and ship-builders are now paying their men 7*s.* a day. There is one piece of evidence to which I should like to call attention, and that is from a source connected with the Trades Unions, who are likely to know better than any one the conditions of the trades with which they are connected. By the courtesy of Mr. Applegarth, the secretary of the Amalgamated Carpenters' and Joiners' Union, I am enabled to lay the following statistics before the House:

—In February, out of a total of 9,477 men in that Union, there were 970 unemployed; whereas in June, out of a total of 9,800, there were only 192 unemployed. And let me remind the House that it is in the building trade that there has been more depression, as far as I can ascertain, than in any other trade. The hon. Member for Finsbury said that I italicized the words "the building trade." But it was my duty to find out the main causes of the depression in the metropolitan districts; and, to my inquiries upon that subject, I received one invariable answer—namely, that it was owing to the depression in the building trade, which includes not only masons and bricklayers, but carpenters, joiners, plumbers, painters, glaziers, and a variety of other trades. And here I may point out that it is not in the eastern districts of London so much as in the suburban districts that the distress has prevailed. In the latter districts there is but little demand for the labour of children, and, consequently, we find that the children there form a large proportion of those receiving relief. But is this the description of distress that is likely to be remedied by the proposal of the hon. and learned Gentleman? On the contrary, it would be more difficult to deal with it in the Colonies than in this country. That there is local congestion of labour is certain; but are we, therefore, to pass a Resolution to the effect that it is the duty of the Government to provide employment for the population, because local and temporary distress happens to prevail in certain limited districts? I have stated that the shipbuilding trade was reviving, very much to the advantage of Liverpool, but I have tested the amount of pauperism there by other means. I placed myself in communication with the gentleman who is at the head of the Central Relief Department there, a voluntary association for relieving destitution; and he has sent me statistics showing that the applications for charity, as well as those made for poor relief, have been considerably reduced for some time past. I have now reviewed a number of trades, and have alluded to many parts of England. I have put evidence, collected from various sources, before the notice of the House, and I now ask, is the evidence which I have adduced to prove the revival of trade supported by other facts? If distress were so wide-spread as the hon. and learned Member appears to imagine, should we not find that the great articles of consumption were less consumed than usual. I have inquired into this branch of the subject; and I find that the average annual consumption of sugar in the United Kingdom for the three pre-panic years 1863-4-5 was 37½ pounds per head; in the panic year 1866 it was 41 pounds per head; and in the three post-panic years 1867-8-9 it was 42½ pounds per head: tea, 3 pounds 1 ounce per head in the three pre-panic years, and in the three post-panic years 3 pounds 10 ounces: malt, 1½ bushels per head in the three pre-panic years, and 1·6 in the three later years: the consumption of spirits has risen from ·67 to ·71 per head: beer from ·72 to ·81: and tobacco from 1·29 to 1·35. In the three months ending with March, 1868, there were retained for home consumption 22,094,000 bushels of malt, and during the three months ending March, 1870, 23,376,000 bushels. For the same periods the British spirits retained for home consumption amounted to 5,055,000 gallons, as against 5,128,000 gallons in the three months ending March, 1869, and 5,509,000 gallons for the three months ending March, 1870. And let us turn from consumption to production. What have the labouring classes produced? For the four months ending April, 1868, our exports were £56,000,000; and during the same period in 1870 they were £63,000,000. Trade this year is upwards of £7,000,000 better than in 1868, and £4,500,000 better than in 1869. The cotton export trade shows that 949,000,000 yards of cotton piece goods were exported in the year ending 1868, 897,000,000 yards in 1869, and 1,003,000,000 yards in 1870: in the woollen export trade 67,000,000 yards were exported in the year 1868, 85,000,000 yards in 1869, and 86,500,000 yards in 1870: in the linen trade 66,000,000 yards of linen piece goods were exported in 1868, 73,000,000 yards in 1869, and 76,000,000 yards in 1870. In machinery, in which France and Belgium are said to rival us, we find that our trade has risen from £1,157,000 to £1,533,000. The shipping Returns show the same magnificent results. The total business of the country is represented by the totals at the Clearing

House: in 1867-8 the total clearances on the 4th of each month, the day of clearing inland acceptances, amounted to £147,000,000; for the year 1868-9 they amounted to £162,000,000; and for the last year £168,500,000. Hence the year ending with April, 1870, exceeded 1868 by £21,500,000, and 1869 by £6,500,000. The Post Office Savings Banks show that during the five months ending with May last the deposits amounted to £2,618,328, whilst in 1868 in the same months they were only £1,972,000, an increase of 25 per cent. That does not look as if the working men generally were in a depressed condition. As regards the Revenue, I have been supplied by the Treasury with figures, which conclusively show the elasticity of the Revenue, and that we have exceeded the estimated returns. The Customs were estimated to produce, in the past quarter, £4,750,000; they have produced at the rate of £4,900,000; Excise was estimated at £4,950,000. It has produced at the rate of £5,500,000. The whole Revenue expected on the quarter was £15,645,000; but it has produced at the rate of £16,171,000. And now, Sir, I venture to ask the House whether they think that I have proved my case? Possibly some will say certain portions of the country are not reached by this prosperity. Still it exists, and I rejoice with all my heart and soul that it has come about without our having had recourse to artificial measures, which would have been an infraction of the principles we have always held. My hon. Friend, however, asks us to abandon the principles which have produced this result, and to have recourse to measures which have been seldom recommended to this House. My hon. Friend, I fear, will scarcely have been convinced by any of the evidence which I have produced. In this matter he is hopelessly colour-blind, and he sees only the rose-colour wash of official optimism in those streaks of light which are the genuine reflection of the bright rays of reviving prosperity and hope. And now, Sir, let me direct the attention of the House to the plan of the hon. Member and to the arguments which he has used; and I must call the notice of the House to one or two of those arguments which I heard him use with the greatest regret. I refer to the £1,000,000 which he says is to be given to the people of Ireland, to the purchase of the telegraphs, and to the arrangement by which he says we improve the first-class accommodation to travellers by certain steamers. Now, even if we had made these concessions to one class, it would be no reason for making concessions to others; for to do so would be to establish the principle of "pull baker, pull devil" upon the public purse. If the hon. Member thought we were spending one shilling simply to improve the accommodation of first and second-class passengers across the Channel, then it was his duty to have risen in his place and opposed the grant. What the hon. Member had said on that subject is absurd; but he has clients out of doors, though I deny that he represent the working man. His arguments will be repeated out-of-doors, and will be ticketed with his authority. And, again, why did we purchase the telegraphs? For the sake of the merchant? To enable rich people to telegraph at the expense of the poor? No Sir, we purchased the telegraphs for the general good of the country, and in the full belief that they would prove a profitable investment for the country. If we had proceeded on any other ground we should certainly have committed a great mistake. And my hon. Friend opposite asks us to correct one error, as he calls it, by another. He tells us we should not depart from principles of political economy, and then recommends us to adopt a semi-communistic plan. And let me ask, how is the hon. Member going to carry it out? He says voluntary emigration tends to the United States, and yet he wants us, by transgressing principles of political economy, to turn the stream to Canada. The hon. and learned Member asserted that the natural flow of emigration was to the United States. But how are the Government to prevent that? I remember the proposition made by Mr. Jenkins, the secretary of one of the emigration societies, at the deputation which waited upon the Prime Minister, at which my hon. and learned Friend was present. In a pamphlet he published Mr. Jenkins carried out his opinions to their logical conclusion, and said that every person who passed over the border of Canada to the United States should be deemed guilty of a misdemeanor and punished by imprisonment. It is clear that emigrants cannot be retained in Canada after they arrive there, and if they cannot be prevented from crossing the border, one of my hon. Friend's arrangements falls to the ground. And, again, I ask, who will go? There are a great many people willing to go, and I can mention several large classes who would gladly avail themselves of these third-class tickets. First of all, there is the class who are going now at their own expense. Every one of them would, of course, avail themselves of this new facility. The next class who would avail themselves of the opportunity consists of those who now go out with the assistance of voluntary contributions. My hon. and learned Friend said it was very hard that the great landowners and rich people should have to pay for sending them away; but under the proposed scheme the expense would be really borne by the working classes who stayed in this country, who formed the great bulk of taxpayers, and by the Exchequer generally. Who else would go? Does my hon. and learned Friend think that no one except the people of Southampton, Liverpool, and certain other towns particularly suffering at the present moment would avail themselves of these cheap assisted passages? Why, it is just as possible that our best workmen will go as our worst workmen. There is just as much, or even more, inducement for the good workmen to go as for the bad workmen, and other countries do not want our worst but our best artizans. Besides, I deny entirely that over-population is the only thing which leads to pauperism. You have pauperism in under-peopled countries as well as in over-peopled countries. For instance, there is pauperism in America. [Lord GEORGE HAMILTON: Where?] In the State of Massachusetts and in many other places. Pauperism is a growing evil in Massachusetts, and has reached a very high point in New York. Indeed, as regards the United States, they have no very great wish to receive those who have obtained State aid to enable them to emigrate, and if the hon. and learned Member's scheme were adopted of giving people third-class passages to Canada, the United States would probably object to it. I may also allude to the case of Victoria and other Australian provinces, where there is considerable pauperism, although those Colonies are under-peopled. And here I can lay my finger upon one of the fallacies which underlie the whole argument of my hon. and learned Friend. The revival of one branch of trade, or the opening up of a new country or invention, would at once absorb more labour than we could hope to assist to emigrate by the means he has suggested. And when are we to arrive at the maximum of population which my hon. Friend thinks we may reach? We go on increasing at the rate of 300,000 in a year, and the question is—"When shall we reach the maximum?" Of course that depends on the customers we shall obtain for our goods, on the industry of our population, and on the competition we may meet with elsewhere. Is my hon. and learned Friend afraid that competition is going to extrude us from the markets of the world? At all events, such a process is not going on at the present moment. There was a time when it was thought that strikes were ruining our trade, and that Belgium and France were stepping into our shoes as far as the competition in manufactures was concerned. But the countries which it was imagined were going to take the bread out of the mouths of our people have been much more seriously affected by strikes than ourselves. In regard to the relations between labour and capital, it appears to me that we in England have fared much the same as in the case of other troublesome questions. We have settled them first in this country peacefully, and painfully perhaps, but still without any disturbance of public order, which were afterwards settled in other countries not so peaceably, nor always without bloodshed. I have now attempted to deal as well as I can with the Motion of my hon. and learned Friend, and while dissenting from all his facts and all his conclusions, I still say there is one part of his Motion which contains a truth. He says that the "continued" want of employment demands special consideration in this House. Now, I object to the word "continued;" but I do not object to the general statement that the want of employment demands the special consideration of the House, though not with a view to dangerous and novel legislation. I am not one of those who think that the schedules of Income Tax can be regarded exactly as gauging the prosperity of the country, neither do I believe that cheap labour is such a blessing, though it is, no doubt, an element of national prosperity. With regard to natural and voluntary emigration, I am as warmly in favour of it as any man. Let the good wishes of the country follow in the wake of every emigrant ship. Let them light on better and happier times. Let the hungry be filled with good things. But I see no reason why we should depart from the traditions we have always followed in this House. It may be that in the competition of nations English industry is handicapped to a certain extent, and that English workmen are hindered in the race of life, by the burden of the hundred millions sterling levied in Imperial and local taxation. Stand by us then, while with all our heart and soul we try to reduce this taxation and to resist onslaughts on the public purse, by whatever class, large or small, they are made. It may be that the English workman is also handicapped in consequence of our shortcomings as regards education. Stand by us, then, while sweeping every obstacle before us we carry a comprehensive educational reform to a triumphant end. It may be, that the Poor Laws have superseded in the minds of a portion of our labouring classes the idea of the duty of individual forethought, the sense of domestic obligation, and the recognition of the just claims of kind. Stand by us, then, while we resist with our whole strength every effort to expand the operation of these laws, which we, on the contrary, are most anxious to narrow and contract. In the whole of our legislation and Parliamentary proceedings let us, in the words of my hon. Friend, show our special consideration for the want of employment of the working classes by always keeping the highest interests of the working class in our hearts and minds; not by abstract Resolutions, or by walking round the Lobby on an occasion such as this, but in the framing of all our laws, and let us not, I implore you, assent to vague proposals like that brought forward by my hon. and learned Friend, which can never be fulfilled, which can only encourage delusive hopes, and which are contrary to the course of legislation which in this country we have always pursued. For my part I stake my faith on surer ground. I have the most profound belief in the unfailing energy, the irrepressible elasticy, and the spontaneous efforts of an industrious, high-spirited, and self-reliant people.

MR. HORNBY said, the right hon. Gentleman who had just sat down had made statements which, from his experience, he would show to be entirely false.

MR. SPEAKER: The hon. Member means to say erroneous.

MR. HORNBY begged to apologize for using a word which was not Parliamentary. He had been but a short time in the House, and was therefore not well versed in Parliamentary terms; but if there was any Parliamentary term stronger than the word "erroneous," he would beg leave to use it with reference to some of the statements of the right hon. Gentleman, as well as of others which had been made some time ago by the hon. Member for Manchester (Sir Thomas Bazley). That hon. Gentleman had informed the House that the cotton trade was improving, and that there was every prospect of its continuing to improve. He had a great respect for the experience of the hon. Baronet in days gone by; but it should be remembered that he was not now in the trade. The fact was, however, that the cotton trade in the month of May last, when the hon. Baronet spoke, was in a much worse state than it had been in the previous months of November and December. He defied any cotton manufacturer in the House to rise in his place and contradict that statement. But when the hon. Member for Manchester made the speech to which he referred he was cheered by the Prime Minister, and it was scarcely any wonder that under those circumstances the Bolton operatives who read of those things in the newspapers should ask for an increase of 5 per cent on their wages. He would venture to say that if ever a man had been returned by the working men it was himself, and he could tell the House that they were not at all in favour of a policy which refused inquiry into the operation of the French Treaty, and which imposed a duty on Lancashire manufactured goods imported into India, in direct opposition to the principles of free trade. They by no means approved that Radical political economy which cast all principle to the winds whenever it pleased Gentlemen opposite, but which allowed them to starve.

**Mr. PEASE** said, he hoped, with the right hon. Gentleman the President of the Poor Law Board, that the tide of distress was receding, and that prosperity was soon likely to return. He would point out that in 1866 there was a great scarcity of labour throughout the country, and that it was in consequence of that circumstance that the work done on the Continent had been brought into greater competition with our own. In the district where he resided he was bound to say distress did not exist. In 1853 the labourers in his district were earning 2*s.* a day; they were now earning 3*s.* During the holidays he had gone into calculations as to the number of persons to be employed on works in the neighbourhood of the town he represented (Darlington), and he was startled to find that they would require from 3,000 to 4,000 persons; or, with their wives and children, 12,000 persons. The effect, besides, of natural emigration was not to be overlooked. His hon. Friends the Members for North Durham and South Northumberland would bear him out in his statement that several hundreds of pitmen had lately gone to the United States. There was another point which was eloquently alluded to by his right hon. Friend. If this country remained at peace they would be able to reduce our war establishment; the arts of peace would flourish; reduced taxation would flow back into the pockets of the people; labour would be more and more employed. He was satisfied that no appeal need be made for extraneous support of emigration.

**Mr. FOTHERGILL** said, he agreed with the right hon. Gentleman the President of the Poor Law Board that trade was reviving. In South Wales there had been a great advance in wages. His own firm paid this year between £30,000 and £40,000 more in wages than they did last year. He believed this improvement would last. They were only prevented from opening new works by the scarcity of labour.

**Mr. NEWDEGATE**: I congratulate the hon. Member for Finsbury (Mr. W. M. Torrens) upon the outrage he has committed upon the President of the Poor Law Board. As in the case of most outrages upon the imagination, and not upon the person, the President of the Poor Law Board relented towards the close of his speech; but at the commencement he rebuked the hon. Member for Finsbury with much gravity for venturing to bring forward a subject which, he says, is calculated to raise dangerous expectations among the working classes. He almost accused the hon. Member of Communistic tendencies; and why? Because it is one of the cardinal points of political economy—the great maxim of Free Trade, as the right hon. Gentleman understands it, that the State should do nothing in support of labour. The right hon. Gentleman, while availing himself of the resources at his disposal, worked himself into an ecstacy in contemplating the streaks of light which appear in the commercial horizon, and which he tells us are the precursors of a revival of industry. I rejoice to hear that the right hon. Gentleman is able to promise his supporters on the other side of the House some relief from the not very agreeable position of having to support a commercial system, which is characterized by such periods as that through which everybody admits the trade and industry of the country have lately passed. The right hon. Gentleman strove to reconcile himself and the House to a condition of the commercial interest which is marked by periodical depression, and which depression, according to his own account, increases pauperism. He tell us that system has at Coventry forced the second class of labour out of employment; and he congratulates himself upon the symptoms of revival just commenced, after a prolonged period of the general depression, and falls foul of an hon. Member who ventures to call our attention to the necessity for adopting some measures with a view to the mitigation of this tendency to depression which, as yet, avowedly exists. At this advanced period of the evening I do not wish to go into details; but I hold in my hand some particulars with reference to several of the trades of Birmingham, and what do these amount to? I find, in the first place, that the trade in military arms has never recovered from the depressing influence of the competition which the Government carry on through the manufactory at Enfield; that the trade in fowling-pieces is rapidly diminishing through the action of foreign competition; that parts of guns and parts of pistols are sent here from the Continent, and that the depression in this trade is such that men who formerly earned from 20*s.* to 30*s.* a week do not now earn above 10*s.* a week. Go to another department of trade. Take the button trade. I find that that which is one of the most ancient trades in Birmingham is suffering in every branch, except in that of pearl buttons. Again, in the steel goods trade wages are from 30 to 40 per cent less than they were some years since; and the communication from which I cite these facts, and which was made to me only this morning, adds that almost all the reductions of late years have fallen upon wages—and everybody knows how compressible they are as compared with profits; and, if we look at the falling prices, and allow for improved processes of manufacture, we shall be quite safe in saying that wages in these trades have fallen during the last 12 years not less than 20 per cent. I have before me at this moment the prices of articles of a miscellaneous character manufactured at the brass foundries, and I observe that they have been reduced between 25 and 50 per cent during the last six years. Thus I might go on through almost the whole category of trades at Birmingham, and the result would show that there is a depression in wages averaging about 20 per cent not marked only during the last three years of avowed and admitted depression, but extending gradually throughout the whole of the labouring classes of that town. I say, therefore, that it is idle for the right hon. Gentleman to get up in his place in this House and congratulate us upon a partial revival of industry, when the complaint is this—that large numbers of the labouring classes find it to their interest to emigrate to the United States, there to pursue the industries for which they cannot obtain employment at home. I am unwilling to detain the House at any length; but there is one remark called for by an allusion of the right hon. Gentleman to Coventry. The right hon. Gentleman congratulated the House upon the circumstance that there was rather more building going on in the city of Coventry than, I think he said, in the course of the last 10 years. This is not surprising. The right hon. Gentleman has an advantage in the darkness of the period with which he contrasts the present; for I remember that in the year 1863 there were not less than 1,500 houses unoccupied in Coventry and its adjoining districts; and I put it to the House whether there was likely to be much building in a city the trade of which was so completely ruined seven years ago that there were 1,500 houses without tenants in that city and the districts of which it was the commercial centre? We cannot blame the right hon. Gentleman for fostering the best hopes he can, in those who are admittedly suffering from the depression of trade; but I must deprecate the tone in which the right hon. Gentleman at first treated the Motion now before the House. Is it, or is it not, the duty of the House of Commons to consider the interests of the labouring classes? Is it the sole duty of the Legislature to leave them to take care of themselves under the action of free trade economics? If that be the case, then, I ask, is it surprising that the labouring classes should view with some jealousy the active means, which are adopted to promote the interests of property? Is it unnatural that they should begin to look with jealousy at the facilities which are given for the transport of first-class passengers across the Atlantic, whilst all facilities for their own transit thither at a cheaper rate are refused them? I believe it would be a mistake to attribute the purchase of the telegraphs only to a desire on the part of the Government to afford accommodation to the rich. There are, no doubt, other reasons for the purchase; but it is an additional instance of the Government having undertaken a commercial speculation; and when they enter into commercial speculations they must not be surprised at jealousy being excited amongst the labouring classes in the employ of their competitors, so long as they adhere with such rigid exactitude to the maxim which they seem to have adopted, that it is not the duty of the Legislature or of the State to do anything that may promote the interests of labour. Let the House also bear in mind that there is a determination on the part of the Government to maintain the Treaty with France, which is but a type of other and cognate treaties, by which protective duties are maintained against the industry of this country, whilst the British Government binds itself under no circumstances to impose any countervailing duties for the protection of the industry of this country. Sir, these are facts which, I think, ought to inspire the Government of this country with rather less confidence in enunciating the doctrine which has become such a favourite with modern political economists — that it would be a departure from sound policy if the Government of this country did anything to sustain the industry and the labour of Englishmen.

SIR JAMES LAWRENCE said, that the people of the metropolis regarded with deep interest the subject to which the hon. Member for Finsbury (Mr. W. M. Torrens) had called the attention of the House. Interesting as had been the speech of the President of the Poor Law Board, it was not satisfactory, as it evaded the principal points brought before the House by the hon. Member for Finsbury, who had referred to the fact of large masses of the people—tens or hundreds of thousands—being out of employment, and on the point of starvation within the last three or four months. In the face of such facts, it was no answer to point to the increase of building in Coventry or the revival of trade in parts of Lancashire. The President of the Poor Law Board, after speaking of the great demand for labour in certain parts of the country, nevertheless went on to say that pauperism had increased 1 per cent. By the Report of the Registrar General it appeared that the deaths in the metropolis last year amounted to 73,798, and one-sixth of those deaths occurred in hospitals, gaols, and workhouses. At the docks whenever 10 men were wanted there were 100 applications. It was also to be observed that while trade increased, the amount expended on account of pauperism also increased. In the metropolis the average pauperism was, in 1864, 99,000; in 1865, 100,000; and in 1866, nearly 105,000, although that was a year of exceptional commercial success—there had at that time been no crisis. How did the right hon. Gentleman account for that anomalous state of things? With regard to the migration of labour from one part of the country to the other, it had been stated to him that the Poor Law Board prevented the guardians from assisting in that object.

MR. GOSCHEN said, that the Poor Law Board afforded every facility for the purpose.

SIR JAMES LAWRENCE said, he was glad to learn that such was the case, though he had been informed to the contrary; and he must, in conclusion, as the representative of a large working-class constituency, express his opinion that the hon. Member for Finsbury had only done what was right in inviting attention to the question he had brought before the House.

Debate *adjourned* till *Monday* next.

## CLERICAL DISABILITIES BILL.

(*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph.*)

[BILL 49.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. ASSHETON CROSS said, it was impossible to consider the Bill at so late an hour, and he would, therefore, beg to move that the debate be now adjourned.

Question put, "That the Debate be now adjourned."—(*Mr. Cross.*)

The House *divided*:—Ayes 47; Noes 99: Majority 52.

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. BERESFORD HOPE said, that at that very late hour he would compress his arguments in favour of referring the Bill to a Select Committee. He admitted there was a case; but it was not properly met by the Bill, which trod on thorny ground—the indelibility of Holy Orders. Criticizing the provisions of the Bill, he said that in the Committee he would propose to relieve of disabilities all clergy who had not actual cure of souls, keeping them on those who had. A measure so framed would do that which the present one failed in—namely, avoid that thorny and difficult ground of the character of Holy Orders. As to the clause allowing clergymen who had unhappily taken the step of renouncing their clerical functions to return, he would only say that had such a Bill as the present one been law without a provision of the kind some years ago, the recent return of Mr. Ffoulkes, over which all sound Churchmen so truly rejoiced, would have been impossible. He moved that the Bill be referred to a Select Committee.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

"the Bill be committed to a Select Committee,"—(*Mr. Beresford Hope,*)
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. A. E. GUEST moved that the debate be now adjourned.

Mr. HIBBERT said, he hoped the Motion for adjournment would not be pressed. They might as well divide on the Motion to refer the Bill to a Select Committee. The object sought was inconsistent with the principle of the Bill.

After some discussion as to proceeding with the debate at that late hour,

Question put, "That the Debate be now adjourned."—(*Mr. Arthur Guest.*)

The House *divided:*—Ayes 30; Noes 74: Majority 44.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. PELL said, he had sat for 13 hours in the House consecutively, except when he was at dinner, and he begged to move that this House do now adjourn.

Question put, "That this House do now adjourn."—(*Mr. Pell.*)

The House *divided:*—Ayes 28; Noes 73: Majority 45.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That the Debate be now adjourned."—(*Mr. Raikes.*)

The House *divided:*—Ayes 24; Noes 69: Majority 45.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That this House do now adjourn."—(*Mr. Hodgson.*)

The House *divided:*—Ayes 24; Noes 68: Majority 44.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That the Debate be now adjourned."—(*Mr. Heygate.*)

The House *divided:*—Ayes 24; Noes 68: Majority 44.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That this House do now adjourn."—(*Mr. Starkie.*)

The House *divided:*—Ayes 24; Noes 68: Majority 44.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That the Debate be now adjourned."—(*Mr. Rowland Winn.*)

The House *divided:*—Ayes 24; Noes 66: Majority 42.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That this House do now adjourn."—(*Colonel Charles Lindsay.*)

The House *divided:*—Ayes 24; Noes 66: Majority 42.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put, "That the Debate be now adjourned."—(*Mr. Finch.*)

The House *divided:*—Ayes 21; Noes 66: Majority 45.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 70; Noes 15: Majority 55.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

Committee report Progress; to sit again upon *Friday* next.

House adjourned at a quarter before
Four o'clock in the morning,
till Monday next.

## HOUSE OF LORDS,

*Monday, 20th June,* 1870.

MINUTES.]—*Sat First in Parliament*—The Lord Auckland, after the death of his father.

Public Bills—*First Reading*—Customs and Inland Revenue* (146).

*Second Reading*—Drainage and Improvement of Lands (Ireland) Supplemental* (57).

*Third Reading*—Union of Benefices Amendment (1870)* (140), and *passed.*

*Royal Assent*—County Courts (Buildings) [33 & 34 *Vict.* c. 15]; War Office [33 & 34 *Vict.* c. 17]; Poor Relief (Metropolis) [33 & 34 *Vict.* c. 18]; Railways (Powers and Construction) [33 & 34 *Vict.* c. 19]; Inverness County, &c. (Boundary) [33 & 34 *Vict.* c. 16].

## COLONIES.

### ADDRESS FOR A COMMISSION.

EARL RUSSELL, who had given Notice to move an Address for a Royal Commission to inquire into the means best fitted to guarantee the security of every part of Her Majesty's Dominions said—My Lords, I do not bring forward the Motion of which I have given Notice, from any want of confidence in Her Majesty's Government, or in the ability of the First Lord of the Admiralty or of the Secretary of State for War. They have made great reductions in the Army and Navy of late; but I believe those reductions have been made with great discretion, and have in no way impaired the efficiency of the public service. But the subject is of such great importance that I wish to make one or two observations in relation to it. The grounds on which I make this Motion are two. The first is, that since the Peace of 1815 great changes have occurred in the mode of carrying on war, and it is necessary for every Power of the first class, such as Great Britain, to be prepared for the misfortune of war. The second is, that of late years, and especially during the present year, the public mind has been much stirred with regard to our colonial possessions, and it is desirable to evoke the opinion of the Executive Government, and if necessary of your Lordships, as to the necessity of maintaining the policy which has been hitherto pursued. Now, with respect to the first ground, it is obvious that our Navy, upon which we have always relied as our sheet-anchor, has undergone many remarkable changes, and that the fleets which were sent out in former wars—whether in the First or the Second Revolutionary War—would now be totally useless. In the course of a few years there have been three great changes in that branch of our armament, which heretofore, we had been accustomed to call "our wooden walls." In the first place, our line-of-battle ships have been propelled by steam; in the next place, those ships propelled by steam have been plated with armour, thus becoming quite different engines of war; and, in the third place, much controversy, and subsequently many experiments, have occurred as to the kind of armament which should be used. It was found that those armour-plated ships, owing to the weight not only of their guns, but of their plating, were so heavy that they were not likely to compete in point of speed with other vessels; and after the Civil War in the United States the American Government turned their attention to this subject; and after much consideration, I understand they deemed it advisable, in order to accomplish the special objects they had in view, to construct two different kinds of vessels—one consisting of monitors, or armour-plated vessels, the other of fast wooden ships, on which they relied to keep the seas and attack the commercial navies of hostile countries. Indeed, I think persons employed in the United States' Executive were bold enough to say that an American man-of-war, without any plate armour, would come over to the commercial ports of this country, would destroy our whole commercial marine, and would be half-way back across the Atlantic before our armour-plated ships were ready to attack it. Of late years it has been attempted to combine speed with defensive armour, and for this purpose two kinds of ships have been devised, the one consisting of broadside vessels, more resembling our old line-of-battle ships, the other of turret ships, only a few feet above the water line. Now, of course, I am not going to offer any opinion as to which of these armaments is preferable; but it seems to me that having made so many experiments, having brought to bear so much skill and ingenuity, having expended so much pains and cost, we ought as soon as possible to make up our minds as to what kind of fleet we should send to sea in case of war, and, having so made up our minds, should construct a fleet on those principles sufficient at any rate for the purpose of defence. I have asked officers of high rank what was likely to occur on the breaking out of war if our fleet and that of an enemy should encounter each other, and they acknowledged that they were utterly unable to tell me, and gave their opinion that no one was able to state exactly what was likely to happen in case of a naval war. If, as there can be no doubt, such uncertainty exists, it is most desirable that it should be dispelled. With regard, moreover, to the Army, there have been great changes. In military warfare immense changes have occurred from the introduction of rifled arms. The issue of the late war between Prussia and Austria was attributed in a great degree to the breech-loaders then employed by the Prussians; though others ascribed it to the character of the soldiers and their term of service. Now, 64 years ago, Mr. Windham, then Secretary of State for the War and Colonial Departments, made a very able speech in proposing the repeal of the Additional Force Act. He remarked that the time had long gone by when the whole body of a nation were available in case of war, and that, in point of fact, nations at war with each other selected a limited number of champions—a conflict between 30,000 men of one side and 30,000 of the other being often decisive. He urged, therefore, that it was of the utmost importance that this force should be so composed as to be the most powerful instrument that could be employed, and he pointed out that service for life debarred men of respectable parentage and decent habits from entering the Army, stating that, in his opinion, seven years was about the term for which men ought to enlist. For some time, accordingly that period of service was adopted. Sir Archibald Alison, who has given an admirable summary of Mr. Windham's speech (*History of Europe*, chap. xlv.), says he was so far right that the number of recruits rose between 1806 and 1808 from 9,000 or 10,000 to 23,000 or 24,000; but whether that increase was owing to the limitation of the term of service, or to the insurrection and to the inducements which were held out to persons to take part in the expedition to the Peninsula, is not quite clear. Now, it has lately been proposed, as I understand, that the term of service should not be seven years, but six; and that those six years should be divided into two periods, so that men will be engaged in the Army for three years, and will spend the other three years with the Reserve. Now, I confess this appears to me a very hazardous experiment. I observe that the Secretary for War said we should make a soldier in three years. There is no doubt about that—and it may be said that we can make him in one year; but the question is, what you will do with this soldier when, after three years, you have made him? Mr. Cardwell proposes that he should then be discharged into another service; but it appears to me that when you have got a good soldier, and gone to the expense of drilling him and making him fit to meet the enemies of his country, you ought for at least three, perhaps four, years to keep him in employ as a soldier. If you do not, you put your Army into this position—that one-half of them will be composed of men many of whom have not learnt their military duties, and the other half of men who have forgotten them; so that you will not have the efficient Army you now possess. I now come to the more important part of my subject. There has of late, I regret to see, been a great deal of discussion and a great many doubts as to the value of our colonial Empire. Now, my noble Friend near me, who was for some time Secretary for the Colonies (Earl Grey), has written a most interesting and instructive work on this subject, in which he points out that the advantages of the Colonies are two-fold. He shows, first, that it is a great increase of our power to have a number of territories, with large populations, owing allegiance to the British Crown in different parts of the world; and, secondly, he shows that by the responsibility resting on the Government to take care that the inhabitants of those Colonies, which, like Jamaica and New Zealand, are composed of different races, should have a predominant military force, they were saved from those internal wars which otherwise would happen. I think both those grounds are very solid ones for desiring to maintain our Colonial Empire. The Government, however—and it seems to me extraordinary—have given a good deal of countenance to the objections expressed sometimes in the Press and sometimes at public meetings, to the retention of our Colonies. Now, I cannot conceive how anybody can doubt that we are bound in duty and honour to maintain our colonial Empire; and we ought not only to resolve to maintain it, but we should take the best means of attaining that end. I am happy to see that my noble Friend the present Secretary of State for the Colonies (Earl Granville) seems in some respects to have changed his opinion; and I always thought that when he had further studied colonial questions and the position of this country, he would be of opinion that it was necessary not only to allow the Colonies to pay their allegiance to this country, but to give them from time to time such encouragement as to make them pay that allegiance happily and contentedly. I do not wish to enter into the question of New Zealand, which has been debated in this House, and has excited great public interest. It is possible that it was right to withdraw all our troops from that Colony, though it seemed at the time a harsh measure; for it was evident that the colonists were the stronger party; and it might be right that they should rely on their own resources and should maintain their own men, in order to put down any rebellion which might occur. My noble Friend, however, while refusing military aid, seemed inclined to refuse any other kind of aid; but I am happy to say that he has changed his mind on that subject. The guarantee of a loan of £1,000,000 to enable the colonists to make roads may be the best means of securing their military predominance in the Colony, and undoubtedly the Government have a fair right to exercise their discretion as to what kind of aid is the most desirable. I next come to another colonial question, which has given me very great pain—the withdrawal of the garrison from the fort of Quebec. Her Majesty being, according to all legal authorities, Sovereign of all the forts in her dominions, it shows a want not only of sound policy, but almost of honour, not to maintain a British garrison in the fortress of Quebec. As regards defence, fortresses are of the utmost importance. We find in reading the wars of Louis XIV. and William III., that whenever Louis XIV. sent Vauban to attack a fortress William III. always sent Cohorn to defend it: and in the course of the last century the reputation of England was very much raised by the gallant defence of Gibraltar under General Elliot (Lord Heathfield)—a defence which did much to compensate the calamities which the country suffered in that war. I remember the reliance which the Duke of Wellington placed upon British garrisons in fortresses in 1840. The year 1840 was a very critical time, the relations between England and France being so stretched that there was great fear of a rupture. I was told by one gentleman of much official experience that there was danger to Gibraltar and Malta; and I received a letter from my chief, Lord Melbourne, who was then Prime Minister, remarking—"I do not know what you feel at this time, but for my own part I can neither eat, nor drink, nor sleep, because of my anxiety on this subject." Now Lord Melbourne was not a man exceedingly sensitive to alarm, but no man had a deeper regard for the interest of his country. The course I took—and which I always took on questions which were partly military and partly political—was to go to the Duke of Wellington. Everybody knows that the Duke of Wellington was a man who cast aside all party considerations on such questions, and never for a moment thought of what the interests of his party might be, but was as ready to give the benefit of his opinion on Army questions to me as his most attached adherents. The Duke first told me our position was a very good one—which I was much delighted to hear; and he went on to say that the Government ought to have asked the French Government to sign the treaty which was made in that year before we proceeded to any military measures. With regard to that, the Cabinet had decided according to the opinion of Lord Palmerston, which I believe was the right one. I asked the Duke's opinion with regard to these fortresses, and he said it would be quite easy to hold Gibraltar and Malta, because having British garrisons there there was no danger that they would be attacked. That answer impressed itself upon my mind. A British garrison is a great protection to any fortress in the dominion of Her Majesty, and such a security ought not to be lightly parted with. I am told, however, that it is the intention of the Government that the fortress of Quebec is no longer to be guarded by a British garrison, as I believe has been the case ever since the peace of 1763; but that it is to be given over to the Government of the Dominion, as it is called, and that some Canadian Militia will form the garrison. That appears to me a very dangerous course. I do not doubt the loyalty or the courage of Canadian Militia; but when I reflect that in all countries the most capable officers have been chosen for the defence of fortresses, and when I remember that it was the skill of a French officer of great ability which detained the Duke of Wellington for a whole year in achieving the conquest of the Peninsula—when I reflect what accidents may happen from a bastion not being sufficiently guarded, or from insufficient precautions against attack on an undefended part, I cannot but view this step with considerable apprehension. I may be told that it will always be possible on the breaking out of war, or even in the apprehension of hostilities, to send a British Army to Canada; and I am aware that my noble Friend behind me (the Earl of Dalhousie) despatched sufficient forces to the Crimea, so that when peace was made we had 70,000 British soldiers there; and so it may be said that the British Government could send 70,000 soldiers to Canada. No doubt they might if the season was favourable; but if in the worst period of the winter there should be an apprehension of war, it might be very difficult to send the necessary troops up the St. Lawrence. Consider what the consequence would be if you heard one day that the Canadian officer in charge of Quebec, though very devoted and loyal, and the Canadian garrison, though very brave, had failed in defending the fortress and had hauled down its flag to an enemy. The discouragement in Canada would certainly be very great, and all that strong, though not very numerous, party who are unfavourable to our preserving the Colonies would say it was obvious that the Canadians could not defend themselves, that we had tried the experiment, and that it was impossible to send an army to secure the Colony. Such a danger ought to have great weight with Her Majesty's Government, and I can come to no other conclusion than that they ought to maintain a British garrison in Quebec. I will now allude to the tone of the despatches lately sent out to the Colonies. The Government have done great things with regard to other matters. Last year a question deeply affecting the feelings of the Irish people was settled according to their wishes. This year another question, supposed to be even more difficult, is about to be settled without very great difficulty; and a third question, that of education, will, I trust, after the judicious Amendments made by the Government, be settled during the present Session. But while so much has been done in very difficult questions, where great obstacles were to be overcome and great prejudices to be surmounted, I cannot but wonder that a plain and simple course has not been taken on a question where no obstacles are in the way of the policy of a Government seeking to promote the interests of Great Britain. Consider what the state of the Colonies was when Her Majesty's Government acceded to Office. In old times there were great disputes and difficulties in the Colonies, because we did not allow them to have their own way in respect of government, and because we interfered with their industry and manufactures; but these difficulties have long disappeared. My noble Friend (Earl Grey) has explained in his work the changes which have occurred, and in which, when I had the honour of being Secretary for the Colonies, I had a share. The colonists have been allowed to choose their own representatives, and questions which do not concern any Imperial interest have been given up by the Imperial Government to be settled by themselves. In that way the Clergy Reserves of Canada were settled, and the kind of concurrent endowment, as it is called, which existed in the Australian Colonies was settled according to the wishes of the people. With regard to industry, Lord Chatham, while pleading the cause of America in other respects, said he would not allow even a horse-shoe nail to be manufactured there—he thought it impossible to allow any manufactures to spring up; but all that kind of proscription has been abandoned. In 1846 Parliament gave the Colonies the power of regulating their own tariffs and imposing their own Customs duties, reserving only to the Crown a power which it is quite right to use on special occasions, of vetoing any Bill sent to this country for confirmation. The consequence of these alterations is, that the colonists, having the power of regulating their own concerns, having the free use of their industry, being able, in short, to govern themselves as they pleased, have become deeply attached to this country, and when the present Government came into Office there was no danger of separation, or even of discontent. Add to this that you have Malta, Gibraltar, Halifax, Bermuda, and Quebec, in order to defend the Colonies, so that there could have been nothing easier or simpler than to go on with the system already established, and so to assure ourselves of the continued attachment of the Colonies. I cannot but feel, however, that there has arisen a feeling of coldness—provoked, I must say, in a great degree, by the course taken by the Government. My noble Friend the Secretary of State for the Colonies is the last person from whom I should have anticipated any sort of coldness or repugnance whenever the Colonies asked for any assistance or encouragement—but such is the tone of his despatches; and though I am quite sure no man would feel more deeply if he heard from Natal that there had been a great irruption of the Zulus, and that they had put to death the women and children they met with; but judging by the despatches I should say that the Colonial Office would bear any such calamity with a philosophic calmness. My object in bringing forward this question was very much to give my noble Friend an opportunity of explaining and vindicating the policy of the Government; and I would impress upon your Lordships that by a Commission, or any other mode which the Government may prefer, you should ascertain the means by which the whole of Her Majesty's dominions may be best protected. In view of the great changes in the art of war, we should consider what sort of protection it should be. It may, indeed, be said that there is a certain period when the connection with and our dominion over our Colonies must cease, and that it is impossible not to look forward to it. I believe that is entirely a fallacy, I know no instance in which such a separation has occurred. It is true it has happened, and might happen with territories so large as those now forming the United States; but we all know how for the sake of £15,000 of Revenue those 13 Colonies were provoked to insurrection, and how the resentment then excited has not yet disappeared; but with regard to any other Colonies, I cannot conceive that there ever need come a time when they should wish to separate from us, and when this country should concur in such a separation. In one of Dryden's plays a man and his wife are brought on the stage, who tell one another that they have loved as long as they could, and have lived together as long as was pleasant to both, but that now they must part. That, however, is a very immoral sentiment of a very immoral poet, and is by no means a proper foundation for the colonial policy of a great Empire. Such is not the kind of attachment that is felt by our Colonies. I believe the ties are far from being accidental ones, for they feel that they can govern themselves, that their industry is perfectly unfettered, and that they can live most happily under the British Crown. They feel, too, that it is a proud thing to be connected with a country which for so many centuries has been a land of liberty and order. So long as you take pains to foster that feeling they will remain with us, and I think it would be a great evil—nay, a very great crime — to weaken or impair in any way the attachment of the Colonies to this country, and therefore with a view of inducing your Lordships to take some steps to express an opinion on the subject. I will now move the Resolution of which I have given Notice.

*Moved,* "That an humble Address be presented to Her Majesty, to inform Her Majesty that this House has seen with great satisfaction the spontaneous expressions of loyalty and attachment to the British Crown which have lately emanated from many of the Colonies; and to pray that Her Majesty will be graciously pleased to appoint a Commission to inquire into the means best fitted to guarantee the security of every part of Her Majesty's dominions."—(*The Earl Russell.*)

LORD NORTHBROOK said, he hoped he should not, in any of the observations he might make, forget that deference and respect which were due to the noble Earl who had brought forward this subject, both on account of his personal character and the position he had held in the Government of this country. He was sure that neither he nor any of their Lordships could disagree from much that had fallen from the noble Earl in the course of his speech. He was not aware, however, that any Member of the Government had ever expressed an opinion or desire that the tie between Great Britain and our Colonies should be severed, or had spoken of the possibility of a separation with indifference. Almost up to 1851, when a change noticed by the noble Earl, who was then Prime Minister, occurred, the question of colonial military defence might be described in the terms used by Mr. Goulburn — namely, that military defence was provided for our Colonies in compensation for the monopoly of their commerce. During the noble Earl's Administration those fiscal relations were swept away, and we had since dealt with the Colonies on juster and fairer terms, both as regarded themselves and the people of this country. He would not weary their Lordships by going into any historical disquisition; but he wished to show that the policy of colonial defence, which was now being carried out by Her Majesty's Government, was a policy which had been practically sanctioned by both Houses of Parliament, and had been steadily followed by successive Ministries. In 1861 a Committee of the House of Commons, of which he had the honour to be a member, after hearing the evidence of the Secretaries for War and the Colonies, and of every other authority at its command, came to a conclusion which was unanimously confirmed by a Resolution of the House of Commons in 1862. That Resolution was to the effect—

> "That Colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security, and ought to assist in their own external defence."

On that principle successive Colonial Secretaries had acted for the last 10 years, and although their Lordships were not a party to the Resolution of the other House, they concurred, in 1865, in an Act of Parliament which carried the principle still further—namely, the Naval Defence Act, introduced by Mr. Cardwell, which provided for the establishment by the Colonies of naval Reserves, to be used for Imperial purposes in time of war. He quite admitted that, although this was a principle that was perfectly sound in itself, it should not be pushed to an extreme; and the Committee of 1861 pointed out that its practical application as to time and place must be left to the discretion of the responsible Ministers of the Imperial Government. A change, moreover, had occurred, partly before and partly since that date, which had materially altered the relations between the principal Colonies and the mother country—he alluded to the introduction of the principle of responsible government. As soon as responsible government was introduced into a Colony it became difficult, if not impossible, to maintain Imperial troops there in time of peace. In the case of New Zealand, for example, the noble Earl opposite (the Earl of Carnarvon) clearly pointed out that it was almost an impossibility to maintain troops there in time of peace, because if the British troops were employed at the discretion of the Colony, they might be employed to carry out a policy of which the mother country disapproved; while, if not employed at the discretion of the colonists, the latter had on several occasions declared that they would rather not have them. Having said thus much on the general subject, he would now make a few remarks on that part of the noble Earl's speech which related more particularly to Canada. And, first of all, he might be permitted to say that the great principle which had guided successive Colonial Ministers with regard to Canada, were originally laid down when the noble Earl himself was Prime Minister. In 1851 the noble Earl on the Cross Benches (Earl Grey) addressed a despatch to Lord Elgin, then Governor General of Canada, laying down the principles now adopted by the Government, and from which, in consideration of the great weight due to it, he would quote one passage. The noble Earl wrote—

> "Canada, in common with the other British Provinces in North America, now possesses, in the most ample and complete manner in which it is possible that she should enjoy it, the advantage of self government in all that relates to her internal affairs. It appears to Her Majesty's Government that this advantage ought to carry with it corresponding responsibilities, and that the time is now come when the people of Canada must be called upon to take upon themselves a larger share than they have hitherto done of expenses which are incurred on this account, and for their advantage. . . . . In adopting this principle, I need hardly observe to you that Her Majesty's Government would merely be reverting to the former colonial policy of this country. You are well aware that up to the period of the War of the American Revolution the then British Colonies which now form the United States, as well as the West Indian Colonies, were required to take upon themselves the principal share of the burden of their own protection, and even to contribute to the military operations undertaken to extend the colonial possessions of the British Crown."

This principle, laid down in 1851 by the noble Earl (Earl Grey), and concurred in by the noble Earl (Earl Russell), then Prime Minister, was carried out in 1854 by the Duke of Newcastle, when he withdrew from Canada all but a very small portion of British troops—namely, two battalions of infantry and two companies of artillery. After the termination of the Crimean War three regiments of infantry were sent there; but Mr. Labouchere, afterwards Lord Taunton, took care to abide by the principle laid down in 1851. Lord Taunton, in a despatch to Sir Edmund Head, observed—

> "Although the regular soldiers in Canada may be more or fewer at any particular time, the policy of Her Majesty's Government continues the same, and they desire to place their main dependence on the well-proved loyalty and courage of Her Ma-

jesty's Canadian subjects to repel any hostile aggression, should the occasion ever unfortunately occur, although in that event Her Majesty's Government would not fail to give to the Province the full support of the whole power of the British Empire."

Such was the position of the matter in 1856. In 1860 and 1861 the military force in Canada was smaller than it is at the present moment. In 1862 a difficulty arose in Canada; and in the first instance three battalions of infantry were sent there, the force having been afterwards further increased. About that time there was a debate on the subject in this House, and there was a general expression of opinion that unless the Canadian Government were prepared to make far greater efforts than hitherto to provide for their own defence, British troops should not remain in any force. Lord Ellenborough, among others, gave a very strong opinion on the point. It was urged at the time, and with great truth, that, Canada possessing a frontier exposed to attack from a great and powerful nation, it was difficult, if there was any probability of such an attack, to say what amount of British troops should be placed there in the event of war; and a noble Earl (Earl Grey) went so far as to say that, unless the Canadians at once placed their Militia and other arrangements for defence on a proper footing, the Imperial troops, with the exception of a small force, should be withdrawn. He came now to the great change which, within the last few years, had occurred with respect to Canada. He alluded to the Confederation of the North-American Provinces, which was brought about in 1865, in consequence of a desire which we all wished to see accomplished—namely, that those Provinces might become a great and powerful nation. About that time there were conferences between the delegates from the different Provinces and Her Majesty's Secretary of State for the Colonies respecting the arrangements which were to be made between the Confederation and the mother country. In laying down certain principles, having reference to these arrangements, Mr. Cardwell, who was then Colonial Secretary, said—

"On the last point, it seemed sufficient that Her Majesty's Government should accept the assurance given by the Canadian Ministers on the part of Canada, that that Province is ready to devote all her resources, both in men and money, to the maintenance of her connection with the mother country, and should assure them, in return, that the Imperial Government fully acknowledged the reciprocal obligation of defending every portion of the Empire with all the resources at its command."

The principle recently laid down by Her Majesty's Government was that the maintenance of an Imperial garrison at Halifax was all Her Majesty's Government was to do at the cost of the mother country for the defence of the Dominion in times of peace. But although this was all that Her Majesty's Government had pledged themselves directly to do, he would now inform their Lordships of what they had done, and were to do, in the way of assisting the Dominion to defend herself. In the first place, a loan had been guaranteed for the construction of a railway between Halifax and Quebec. In a military point of view such a line would, as their Lordships knew, be of the highest importance. It would open a communication between Quebec, Halifax, and this country, by means of which troops could be speedily and conveniently carried at any period of the year. Again, buildings to the value of £158,000 had been given up to the Government of the Dominion; thirdly, the whole Militia of Canada had been armed with Snider rifles at the expense of the Home Government; fourthly, the works undertaken by the Imperial Government for the defence of Quebec, and which were rapidly being completed, would cost, when completed, £240,000; and 151 pieces of ordnance had been handed over to the Dominion Government. In consequence of the Report drawn up by Colonel Jervis, who had been sent out to devise a scheme of defence, which had been laid before Parliament, the Canadian Government had passed an Act to authorize the construction of defences, and the Imperial Government had undertaken to guarantee a loan of £1,100,000 for the completion and armament of these works. As regarded the number of troops which we had at present in Canada the noble Earl (Earl Russell) had made some mistake. At present there were three battalions of infantry and five batteries of artillery in Canada. It had been intended to bring home two battalions of infantry and four batteries of artillery, leaving one battalion of infantry and one battery of artillery in Canada proper. But in withdrawing the greater portion of the troops, it had always been the intention of Her Majesty's Government to act in a deliberate manner and not to do anything hastily, and a change of circumstances had recently occurred in Canada. There had been, as their Lordships knew, a miserable attempt on the part of the Fenians to make a raid into Canada, and an expedition had been sent to the Red River Settlement, in which a battalion of infantry was engaged. The Secretary of State thought that while that expedition was in progress it would be desirable to have a larger force retained in Canada, and accordingly orders had been sent to General Lindsay to detain the 1st Battalion of the Rifle Brigade, who would have otherwise been arriving home about this time. No military attack was apprehended in connection with the expedition to the Red River Settlement; but some misguided Fenians might attempt to cut off the communications, and therefore it was thought as well that the expedition should have support. He had already explained that, under any circumstances, a battalion of infantry and a battery of artillery would have remainded at Quebec. That was the arrangement for the present financial year. He would now ask their Lordships to consider what our policy with respect to the Colonies had been, and what had been the result of that policy. The noble Earl on the Cross Benches (Earl Grey) and other distinguished statesmen had laid down the principle that every community with a responsible Government must be prepared to maintain its own defence to a considerable extent. The people of Canada had accepted that principle, and had vigorously applied themselves to establishing a sound military force for their own defence. Perhaps their Lordships were not aware of the nature of the Canadian Militia. It was a force which had been organized with great ability, and which on several occasions had acted with great loyalty. A Militia Bill for the whole of Canada passed in 1868. By that Bill the Dominion was, first of all, divided into four Provinces and nine military districts—out of these were formed 22 brigade divisions, and these, again, were divided into regimental divisions, which were subdivided into company divisions. All Her Majesty's subjects in the Dominion between the age of 18 and 60 formed the basis of the Militia, and were liable to be called out for service in time of war. That Militia was called the Reserve Militia. Its staff was complete; every two years new companies were formed, and of that force something like 600,000 men could be brought out. Then there was the Active Militia. The number of that force required to drill and be in a state of efficiency was fixed at 40,000. The Active Militia consisted of volunteers. Men who had served for three years in the Active Militia obtained an exemption from serving at any future time if the whole of the Militia should come to be embodied. The whole number of men who had been drilled and formed in the Active Militia was 43,500 according to the last Report of the Inspector, and in the Report on the force there was this statement—

> "At any time, whenever the necessity arises, the whole of the Active Militia, from Nova Scotia in the East to the shores of Lake Huron in the West, can be concentrated by battalions and corps for the defence of the country in a very few hours, and held in readiness at their respective headquarters."

The Report contained this further statement, which was still more gratifying—

> "In addition to this, however, so great has been the desire evinced to volunteer for the defence of the country, and raise additional corps, that it has been found necessary to decline such offers from those localities where the quota is already exceeded, until such time as vacancies for their enrolment may arise in the respective districts, by the expiration of the period of service of existing corps, who may not desire to re-enrol for another period. From these facts it may be safely affirmed that no difficulty will be experienced in keeping up the present strength (at least) of the active force by voluntary enrolment, and, therefore, the necessity of having recourse to the ballot is not likely to arise."

In addition to that organization of the Militia, there had been introduced into Canada an admirable system of military schools, by which more than 5,300 officers had been educated, and were ready to take commissions both in the Active and in the reserved force of the Militia. Besides that, there was established the Grand Trunk Railway Brigade, which in the most effective way would provide for the defence of that great work. It might, perhaps, be said that was all very well on paper; but, fortunately or unfortunately, they had been able to test that organization by actual results, because in 1866 an attempt was made by the Fenians to get possession of some part of Canada. A body of Fenians in that year invaded Canada, and perhaps the noble Viscount (Viscount Monck), who had gained so much credit for himself, and conferred so much benefit on the Dominion of Canada, would allow him to quote a few words used by him with respect to the conduct of the Militia at that time. The noble Viscount said—

> "Although I deplore the loss which the Volunteer Force engaged on the 2nd of June, at Limestone Ridge, has suffered, amounting to six killed and 31 wounded, I think it is a matter for congratulation that a movement which might have been so formidable has collapsed with so small an amount of loss, either of life or property. I think it is also a source of satisfaction that such strong proofs have been afforded of the spirit which animates the Canadian people, of their loyalty to the Throne, of their appreciation of the free institutions under which they live, and of their readiness at all times to prove their sense of the value of those institutions by incurring expense and personal risk in the defence of them. The period of the year at which the people have been called on to make these sacrifices of time by serving in the Volunteer ranks has been the most inconvenient that could be selected, yet I have never heard a murmur from any quarter at the necessity for suspending industrial occupation involving the risk of losing a whole year's production, while I have received information of a good deal of discontent on the part of those who were anxious to give their services, but whose presence in the ranks was not considered necessary. I have already spoken of the admirable spirit displayed by the Volunteer Force, both officers and men. I have every reason to believe that their conduct as regards discipline and order has entitled them to as much commendation as does their spirit of patriotism and self-reliance."

In another place the noble Viscount said that "within 24 hours after the issue of the order 20,000 men were under arms." That happened in 1866, when the illustrious Duke (the Duke of Cambridge) felt it his duty to express, on behalf of Her Majesty, the appreciation entertained by the Crown of the services of the Canadian Militia. Again, what occurred the other day? When another of those miserable attempts was made on the soil of Canada the Militia was embodied, and acted with the greatest promptitude, loyalty, and courage. Within two days after hearing the first rumour that there was to be a Fenian raid on Canada there were, according to the despatches received, 1,095 officers, 12,394 non-commissioned officers and rank and file, 863 horses, and 18 guns of the Active Militia on service in the several military districts of the Provinces of Ontario and Quebec on the 27th of May last. That force was able to go at once to the frontier to defeat that very futile attempt to gain possession of Canadian soil; and in the despatches addressed to the Secretary of State by Major-General Lindsay and also by the officers commanding Her Majesty's troops in Canada the highest possible praise had been given to the conduct of the Canadian Militia, to whom, those officers stated, belonged the merit of promptly and at once frustrating that attempt. Therefore the services of the Canadian Militia and the general principles of their organization have been proved to be most efficient on two occasions; and in that respect great credit was due to Colonel M'Dougall, the Adjutant-General of the force, for the energy and ability with which he assisted in its organization. The principle now agreed to, he believed by all, was that Canada should provide in the first instance for her own defence—in fact, any other system of defence for Canada was simply impossible; and the only real point of difference was, whether the defence of Quebec should be left to the loyalty and patriotism of the Dominion, or whether a small force of Her Majesty's troops should be left in that stronghold. That was a question which he thought must be left to the discretion of the Executive Government, which alone could be fully acquainted with the real condition of affairs. So far he had addressed himself to the position of the Colonies. He would now address himself in a few words to the effect of the policy he had described upon the general defence of the Empire. The military policy of this country for many years had been to keep large garrisons in the Colonies, principally because the troops there were out of sight and did not attract so much attention from those who desired in the other House of Parliament to reduce their numbers. Now, he hoped, they had arrived at a time when the course they adopted could be both openly attacked and openly justified. Of late years the principle on which our military administration had been conducted was to concentrate our forces far more in this country than was formerly the case. There had been a very great increase in the military force of the great Continental Powers. The introduction of steam, the altered construction of ships of war, and the adoption of new and powerful artillery, had all attracted attention to the necessity of perfecting our defences, and the first principle laid down for the military defence of the British Empire was, that as this country was the heart of the whole Empire it should be placed in a position of complete security. In order to do that the troops had been more concentrated at home, and less dispersed in isolated garrisons in the Colonies. That principle had been laid down by successive Secretaries of State, and the late Lord Herbert, referring to the subject, said—

> "The necessity for the distribution of our forces in the last few years is much altered. I should accumulate all the forces that it is possible to accumulate at home, and keep as few men as possible in Colonies. The difference between peace and war in many of the Colonies would be that, instead of maintaining a military force in them in time of war, we should withdraw it. I see no use in maintaining isolated battalions. Either we have the supremacy of the sea, in which case they are useless; or we lose the supremacy of the sea, in which case they are caught in a trap."

The principal defence of the Empire and of the Colonies was not to keep troops locked up in isolated and distant stations, but to rely on our Navy. That was the view taken by the Committee of the House of Commons of 1861, who said—

> "The tendency of modern warfare is to strike blows at the heart of a hostile Power; and it is, therefore, desirable to concentrate the troops required for the defence of the United Kingdom as much as possible, and to trust mainly to naval supremacy for securing against foreign aggression the distant dependencies of the Empire."

Therefore, since that time, our policy had been to depend mainly on our naval supremacy, and to concentrate our troops as much as possible at home. It must be remembered that the use of steam as the motive power now enabled us to have much more rapid communication with our Colonies than formerly. If the principle of our military policy for the defence of the Empire was to be such as he had described, let him refer for a moment to its bearing on the question of Army organization. It had been the constant complaint of our Commanders-in-Chief and Secretaries of State for War that it was impossible to give our troops a proper term of service at home. The hope had been that they might have five years' service at home and ten years' service abroad; but, for a long period, there never was a sufficient number of battalions in this country to give that amount of relief to the troops serving abroad. That was now very materially changed; but it was only since 1868 that they had attained a satisfactory position in that respect. Last year they had 60 battalions at home and 80 abroad; and they hoped in the end to equalize the number of battalions at home and abroad. He supposed it would soon be his duty to bring before their Lordships a Bill, now in the other House of Parliament, altering the law of enlistment for the Army. The noble Earl (Earl Russell) appeared to be under the impression that that Bill provided for a service of three years in the ranks and three years in some Reserve; but he was not correctly informed. Its intention was to institute a service of six years in the ranks and six years in the Reserve, and the success of such a plan depended very much upon the equalization of the number of battalions at home and abroad; but it would be more convenient, perhaps, if he did not further discuss that matter at present. Reverting to the main subject, he believed that the policy of reducing the force in the Colonies, and allowing them to depend in a greater degree upon themselves for their own defence, was, as he hoped he had shown to some extent to their Lordships, both advantageous to the Colonies themselves, to the military strength of the Empire, and to the Army organization of this country. Agreeing that there was in this matter something beyond mere pounds, shillings, and pence, he would not dilate upon the former expense of the troops in the Colonies to the people of this country; but it was only due to them that they should not be required to pay more for colonial defence than was proper, and it would perhaps be interesting to their Lordships to know that within the last two or three years the cost of our Army in the Colonies had been reduced by half a million of money. He did not know that he need trouble their Lordships with many arguments against the appointment of the Commission for which the noble Earl had moved. It might be sufficient to point out that the inquiry would be too gigantic. The Commission would, following the sketch given by the noble Earl, in the first place, have to take into consideration the whole question of the proper construction of ships, and of heavy ordnance; the question of enlistment; how the British Army was, for the future, to be paid;

how Reserves were to be provided for the purpose of rapidly expanding that Army in time of war. Then they would have to lay down for each of the Colonies the principles upon which successive Governments were to be guided in distributing the forces of the Empire. If the Commission had to inquire into all these things, the noble Earl himself would, probably, acknowledge that the inquiry would be somewhat too extensive. If the noble Earl intended to confine the scope of the inquiry to any particular points, he would find that there was scarcely one of the questions to which he had alluded, which had not been inquired into already by more than one Committee or Commission. But, taking the broader and larger view of the inquiry, it appeared to him (Lord Northbrook) that a Commission with such functions would trench improperly on the responsibility of the Government of the day, to whom alone the country must look for the due defence of every portion of Her Majesty's dominions. In fact, it would be impossible to throw on any Commission that responsibility which the Government, and the Government alone, must bear. If he required any fortification for that opinion, it would be found in a speech made by the noble Earl himself, in 1851, on this very question of the military defence of the Colonies. The noble Earl then said that—

> "The Colonies ought to contribute in great part to their military defence; that this must be done gradually, it must be done from time to time according to the circumstances of the Colony to which you think fit to apply this rule."

With respect to Canada, he observed—

> "That which you can do now it would be madness to have done 10 or 15 years ago. With regard to some of the other Colonies, that which you cannot do now you may be able to do 5 or 10 years hence."

Therefore, with the greatest deference to the noble Earl, he must say that it did not appear to be the proper course for their Lordships to agree to the proposed inquiry. The general principles of colonial military defence, which he had endeavoured to describe, had been acted upon by successive Administrations belonging to both parties of the State; they had not been hastily adopted, nor acted upon with undue precipitancy; but they had received the deliberate approval of Parliament, and had been carried out with due consideration of the circumstances of the different Colonies.

**Earl GREY** said, he understood the noble Earl (Earl Russell) to have put the matter in the form he had chosen rather with a view of leading to a discussion, than with any view of asking their Lordships to assent to the Motion; because it seemed to him that to adopt his proposal would in effect put the Government of the country into commission, and transfer to the Commissioners functions which could properly only belong to the Government. He did not imagine that anybody could seriously propose that a Commission should be appointed to inquire into the colonial policy which the Government of the day should adopt. But as the subject had been brought before the House he could not allow the occasion to pass by without saying one or two words upon the general question of their colonial policy. He certainly did sympathize with his noble Friend in the opinion that the present state of their colonial policy was far from satisfactory. His noble Friend had stated—and had stated most truly—that there was a general distrust pervading the Colonies as to the wishes of this country with respect to the maintenance of the connection. His noble Friend also stated that the dissatisfaction on this subject had been gradually increasing, and at the present moment there were symptoms of its having risen to a considerable height. He agreed with his noble Friend that to put an end to the great colonial Empire of the British Crown would be a great misfortune—a great misfortune to the Colonies, to this country, and to the world; nor could he help saying that the system of policy pursued by Her Majesty's Government, and for a considerable number of years acted on by successive Secretaries of State, though carried further by Her Majesty's present Advisers than had heretofore been done, did seem to lead directly and necessarily to the dissolution of our colonial Empire. The doctrine which had been in favour for a good many years was that they were to disclaim all exercise of authority in the Colonies, and that while doing so they were right in also disclaiming being at all responsible, either for the manner in which they might manage their affairs or for assisting them in any difficulties they might bring upon themselves. They had heard these rules ostentatiously insisted upon by various persons holding high office both in this and in former years, and he wished to ask their Lordships seriously to consider what was left of the connection between this country and the most important of our Colonies, if this doctrine were to be acted on. If they were to exercise no authority, and at the same time hold aloof and refuse to assist the Colonies in their difficulties, what was the connection reduced to? Why, simply to this—that the Queen's Government were to keep in their hands the power of appointing Governors who, when they went to those Colonies where this system prevailed, were to be mere puppets, and to exercise no real authority whatever. But if the connection were thus reduced to a mere nominal one it would be neither possible nor desirable that it should long be maintained at all, and it would soon cease. Was that desirable for this country, for the Colonies, or the world? As regarded the Colonies, every man who seriously considered the subject must see that their connection with the Imperial Government was to them of the very highest importance. If they were dissevered from the British Empire, they would form in general petty States incapable of protecting themselves from any attack to which they might be exposed, or to assert their own just rights; there would also be no bond of union between one Colony and another, and no means for settling those disputes which were likely to arise among them. Those of their Lordships who had attended to colonial affairs must be well aware that since this system had been acted upon in the Australian Colonies, differences had more than once arisen on subjects which excited the minds of the inhabitants of one Colony against those of another. But if the Imperial Government was not to exercise some authority over all, how were these disputes to be prevented from ripening into something far more serious, and how could they be sure that even the dreadful arbitrament of war would always be avoided? Then, with regard to their own interest in the matter, did their Lordships think that it would be of no advantage to this country to have in different parts of the world faithful friends on whom they could rely in times of difficulty and danger? Could their Lordships doubt that if they were to part with our Colonies, or the most considerable part of them, the consequence would be that they would no longer occupy the position among nations which had hitherto belonged to them, and that in any difficulty that might arise they would be viewed by foreign nations with very different eyes. He believed, therefore, that it was of the greatest importance to both the parties concerned that there should be a close connection between the Colonies and the mother country, and to that end it was essential that a certain amount of military support should be afforded by the Crown to the Colonies. His noble Friend who had just spoken (Lord Northbrook) had stated—and had supported that statement by various quotations — that he (Earl Grey) and others had concurred in the principle that, as the Colonies became fit for it, and were allowed to enjoy a larger measure of power in the management of their own affairs than they formerly did, so they should take upon themselves a larger share in their own protection. Having long held that opinion, having held it, too, in the House of Commons when it was an unpopular doctrine, he was not going to shrink from the responsibility of that opinion now. But the doctrine which he had always avowed did not imply that they were either, on the one hand, to abstain from the exercise of a substantial authority in the administration of the Colonies within certain limits; or, on the other, to repudiate the idea of giving them any assistance whatever. It did not imply that the Imperial fortresses, such as Quebec, were no longer to be maintained and defended by the Crown. And in like manner it did not imply that the Imperial Government was to abdicate all control over the colonial administration, because it recognized the fact that there was, unquestionably, very great need for considering what should be the relations between the Colonies and the mother country in the altered circumstances of the present times, which required a relaxation of the control formerly exercised. The change that had taken place in their commercial policy had necessarily led to a great change in their system of colonial legislation. When that change occurred they ceased to regard their Colonies as places with which they had trading monopolies, which it was their business to guard, and in consideration of which they granted commercial privileges to them. When they withdrew from them these privileges, they also, as they were bound, ceased to impose the restrictions on colonial trade by which they had been accompanied, and the Colonies were allowed, in a great measure, to decide for themselves on these matters. This involved a great alteration in their political relations; and from that time to this he did not think that sufficient care had been taken to ascertain what were the proper limits with regard to the power which is to be exercised by the British Crown over the Colonies. He, for one, believed that it was perfectly possible, while exercising no vexatious interference in the internal affairs of their Colonies—to which he was very strongly opposed—for the Imperial Government to maintain a very considerable measure of authority, to be exercised for the common benefit of the Empire at large. He was sorry also to say that, in his opinion, that might have been done formerly to a greater extent than it possibly could be now. It appeared to him, however, that if their Colonies and this country were to form an Empire at all, one of the very first points upon which the Imperial Government must exercise its control was that of commercial policy. Although what they formerly did in allowing the local Legislatures to decide for themselves on the Customs' duties to be levied in the Colonies was proper enough, yet they had still a right to say that this power must be exercised under certain conditions, and that having adopted, for the benefit of the whole Empire, a certain commercial policy, it was the duty of each Colony in its own internal administration to conform to the great principles of that policy, and to take no measures which could interfere with its success. When they relieved them from the restrictions which were formerly imposed upon trade it was not with a view that they should impose fresh restrictions founded upon the same vicious principles as those which had been abolished, and which directly affected our commerce. That was, however, exactly what they had done. They had stood by and looked on while their Colonies, in many cases, had adopted rules contrary to the whole principles of the commercial policy of the Imperial Parliament. Then, again, it appeared to him quite right to make over to the Colonies the task of legislating with regard to the settlement of the waste lands. But, in saying this, he could not think that in adopting that principle it was wise or proper to extend the principle so far as to admit that this power was to be exercised subject to no control on the part of the Imperial Government. But this is what had been done, and the effect was that the vast unoccupied domains of Australia and North America — the whole territory which had been acquired at vast expense by English money and by the exertions of the English people—had been handed over to the entire control of the local authorities to be dealt with for the exclusive benefit of a few hundred thousand persons now inhabiting the Colonies, or rather, he feared, for the advantage of a few lucky persons and dexterous jobbers, instead of being carefully managed, as they ought to have been, as a great reserve for promoting emigration and colonization for the common benefit of all. It was, of course, as he had already said, impossible for us to recall what had been done so unwisely; but what he did ask was that the principle might not be pushed any further. His noble Friend who had just sat down (Lord Northbrook) had said that there was very great difficulty under the system of what was ludicrously misnamed "responsible government"—but was really "party government"—in the Colonies in maintaining a British force without a conflict of authority arising between the Colonial Ministers and the Imperial Government. That was perfectly true, and had led to serious and unfortunate consequences, as they had seen in the case of New Zealand; for to that fact could be traced the misfortunes which had happened in that Colony, and the Maori War which broke out in 1860. He had recently had occasion to show to their Lordships that when party government was established in New Zealand peace had lasted for several years, and the Maories were rapidly advancing in civilization and the British settlers in prosperity; but the change in the system of government had proved destructive of all progress or improvement. He agreed, therefore, with his noble Friend that there was good ground for objecting to the maintenance of any considerable British force in a Colony under party government; but the inference he drew from this was that it was inexpedient to establish that system of government where British settlers were in contact with a large uncivilized population, and he therefore regretted to find that Her Majesty's Ministers were disposed to repeat at the Cape of Good Hope the mistake which had proved so fatal in New Zealand. The Papers laid before Parliament with regard to the affairs of the Cape Colony exhibited the extraordinary spectacle of the Government urging and pressing the Colony to accept a much larger power than they at present possessed, at the same time attempting to coerce them by telling them that the Imperial garrison would be withdrawn. The state of facts at the Cape was this—In South Africa there was a population of European residents, amounting to not more than 200,000 persons, scattered over an immense area and intermingled in the closest manner with overwhelming numbers of the coloured races, many of whom were still in a barbarous state, and none advanced beyond what might be called a very defective state of semi-civilization. These coloured tribes were very warlike and very numerous. The exposed condition in which these British settlers found themselves was a deliberate act of the English Parliament. Some 50 years ago it was determined very considerably to extend the boundary of the Colony of the Cape of Good Hope for the purpose of founding a new settlement for emigrants from this counary. That scheme did not originate either with the Executive Government or the colonists, but was adopted in compliance with an Address of the House of Commons. And by the scheme of colonization adopted in pursuance of this Address, the settlers who were sent out were scattered widely apart, and placed in positions where it was utterly impossible for them to defend themselves without the aid of British troops. Growing out of this arrangement, terrible wars from time to time broke out with the Kaffirs, and a frightful destruction of life and property ensued; but happily now for some years tranquillity had been preserved. Authority was exercised by the representatives of the Crown in a very fair manner towards both the white and the coloured races; these were gradually drawing closer together, civilization was increasing, and Christianity was at last showing some faint signs of taking root among the native population. In this state of things, what was the policy pursued by Her Majesty's Government, which they found great fault with the colonists for declining at once to accept? It was that the colonists should at once establish "responsible government," as it was called. But the coloured races were totally incapable of taking a serious or useful part in the work of government; they were in far too backward a state to exercise authority with advantage to themselves or to others. Therefore, if the policy of the Government were carried out, the consequence must be that the whole political power of this responsible government would be intrusted to one class of the population, and that the minority, while the majority would be altogether excluded. Now, what must come of this? Unless all the old principles of human nature were subverted, it was perfectly certain that a Government so constituted would fail to obtain or deserve the confidence of the coloured races. The confidence which now was justly extended to the administration of the representatives of the Crown would entirely cease, and the Natives before long would have, or imagine that they had, causes of complaint. Once this happened, insurrections and risings against the whites might again be looked for; the war of races would recommence, and a repetition of the fearful events which had occurred in New Zealand might be looked for at the Cape. And the colonists, if left to themselves, without material assistance from this country, would be wholly unable to maintain their position. A Kaffir war, let it be remembered, was a much more serious thing than even a war in New Zealand. From the beginning there had probably not been more than 100,000 Maoris to deal with in that country; but, in South Africa, no man was able to form anything approaching to an estimate of the numbers that might be drawn into the conflict. As long as the coloured races felt confidence in the Government and respect for the power that it wielded, peace might be regarded as assured; but if disturbances once broke out, it would require the presence of a much larger force to restore tranquillity than would have sufficed for its maintenance at the outset. Within the last few days he received a letter from a gentleman in British Kaffraria, describing the means that had been taken for increasing the cultivation of sugar and coffee, and the very great progress which was being made both in that country and in Natal, and the prospects which existed of increasing exports and a valuable trade. But he added that already the rumour that the British garrison was to be withdrawn was producing its effect on the minds of the people, and the Kaffirs were becoming exceedingly uneasy. With the melancholy experience of New Zealand before us they were going apparently to repeat the same fatal course. While the colonists were themselves anxious not to be encumbered with that freedom from all control, and with the right of responsible government, and asked in preference to be allowed to continue as they were, Her Majesty's Government refused to listen to this request; they totally rejected their application, and said that they might have responsible government or not, but whether or no they should not have assistance from home in the way of troops. He could not help saying that this policy appeared to him not only contrary to the first principles of honour, but of Christianity. They were in honour bound not to desert the colonists whom they had established in South Africa, and not to involve them in difficulties from which it was hardly possible for them to escape; and it was unworthy of a great and Christian nation to take a course knowing that, in all probability, this would check a rising civilization in one great division of the world, and lead to anarchy, confusion, and bloodshed. Did noble Lords suppose that if the Zulus or the Kaffirs attacked the colonists, and fearful accounts came home of the sufferings of our fellow-subjects, any Minister in the world would be able to withhold the people of this country from sending out troops to their assistance? He was not arguing in favour of any undue interference in the internal affairs of the Colonies; but he maintained that, so long as the inhabitants of the Cape wished the Imperial Government to retain the authority it had hitherto exercised, and at the same time to continue to them military protection, it was unwise to try to force upon them a change which would tend to break up the Empire, merely from some false notions of economy. And he would observe that there was a great error in the mode in which the cost of keeping troops at the Cape was usually calculated. It was not fair to reckon against the Cape the whole expense of the British force maintained there. The safety of the country demanded that we should have a reserve force; this force must be kept somewhere; it was not all wanted at home, indeed, inconvenience would arise from keeping it here; and where could a portion of that Army be stationed more usefully, and, he would add, more cheaply, than at the Cape? In these days of steam and electric telegraphs it could be speedily brought home thence if it were wanted, or despatched with facility to India. The preservation of our Indian empire was largely due to the fact that we had at the time a force at the Cape which was sent without delay to quell the mutiny. There was no better field than the Colonies for training and disciplining our troops, and giving that experience in the field every army should possess. His main object, however, in rising was to entreat their Lordships seriously to consider what was the result to which those principles of colonial policy which were now in fashion were likely to lead them. He would ask them to consider whether it was possible to act on those principles without being led, by not very slow steps, to a total destruction of their colonial Empire. He could not but think that during the last few years they had been rapidly abandoning their Imperial control and Imperial responsibility. From some words which fell from his noble Friend the Secretary for the Colonies on a recent occasion, he was induced to believe that, in addition to everything else which we had given up, they were now going to hand over to the colonial authorities the very difficult task, with all its responsibilities and all its dangers, of giving directions to the cruisers in respect of the protection of our fisheries on the coast of North America. If there was one subject which, more than another, required to be dealt with on general principles and on large considerations that was the one. Owing to the abandonment of the Reciprocity Treaty the Americans were no longer entitled to fish in those waters, where they had for many years been carrying on their trade with the full permission of the British authorities, and though trespassers had constantly come into the British waters there, their rights had been over and over again admitted by the Government of the United States. Now, whatever their policy with respect to those rights might be, it ought to be the policy of an Imperial, and not the policy of a colonial Government. It was not fair to impose on a colonial Government the responsibility of carrying out that policy. If the British rights in those waters were to be maintained, it ought to be by the authority of the British Government and under the protection of the British flag. He did not say that Canada might not be reasonably called on to contribute her share of the expense; but the policy itself was one to be pursued under Imperial authority and supported by an Imperial force. On the other hand, if their rights in those waters were to be abandoned, they ought to be abandoned by the Imperial Government. If, instead of taking on themselves the responsibility either of maintaining these rights or of abandoning them, they said to the Canadians—"You undoubtedly have these rights, but whether you will enforce them is for yourselves to consider; we wash our hands out of all responsibility, and if you choose to enforce them you must incur the expense which your doing so will entail." If they adopted such a course as that, he feared there would be considerable danger of our coming into collision with the United States. If the Imperial Government determined to maintain their fishery rights, he believed the Government of the United States would co-operate with it, whatever the opinion of American citizens might be; but if, on the other hand, the matter were to be committed by them to a colonial Government, he believed the Government of the United States would have much less disposition to aid in the matter. He hoped this subject would have the attentive consideration of their Lordships and of Her Majesty's Ministers. He could not think that the manner in which colonial matters had been dealt with was very satisfactory; but, as he believed a subject of this kind could be best dealt with by a Government, he trusted his noble Friend (Earl Russell) would not press his Motion.

EARL GRANVILLE: My Lords, I do not know that I should have thought it necessary to have addressed your Lordships this evening after the very able and admirable answer of my noble Friend the Under Secretary for War, in which he adverted to all the points raised by my noble Friend who brought forward this subject; but I think that, holding the position I do, it would be hardly respectful towards the noble Earl if I did not say a few words on the general question. I agree with the noble Earl opposite (the Earl of Carnarvon), who on a former occasion remarked that the too frequent discussion of colonial matters in this House was to be deprecated. No doubt when a colonial question is discussed calmly by the eminent men who address your Lordships on these subjects, the fact is gratifying to the colonists, because it shows the interest taken in their concerns by the mother country; but there are occasions when discussions on these matters are not so desirable, because there is danger of something being said which might give a false notion of what the public opinion in this country may be. My noble Friend (Earl Russell) himself may forget it, but I remember that he read a sharp lecture to my noble Friend behind me (Lord Lyveden) for introducing for discussion the defence of Canada. Well, my Lords, after the speech of my noble Friend the Under Secretary I have scarcely anything to say on the defences of Quebec, and, therefore, I shall proceed to the general question to which the noble Earl addressed himself. I must, in the first place, say that I was rather surprised to hear my noble Friend, the Earl of Malmesbury, who has left the House, cheer the noble Earl on this occasion, remembering, as I did, what he himself said some six years ago, but which is very similar to what has been said since by eminent Conservative statesmen. I find Lord Malmesbury stating this—

> "There was now firmly established in the public mind a complete conviction that a Colony when once it had arrived at a certain point of power and prosperity ought to defend itself against its natural enemies, and ought not to call on the mother country for the Imperial troops."

With respect to Canada he said it was impossible for the people of that country to obtain further assistance in the way of English troops, and I believe that is the conviction of the British public. When I recently spoke on this subject I said I felt certain there would be some annoyance and a feeling of irritation in Canada; and I gave the reasons which

I thought would probably induce the people of the Dominion to witness with some regret the withdrawal of the troops. As to the Fenians, I felt that unless they were supported by America they must play the contemptible part of filibusters, with whom the Canadians could perfectly deal, and the complete way in which the body of Fenians who attempted to invade them without the slightest justification have lately been routed by the Canadian Militia, shows the superiority of the Canadians, and that they can defend their homes and hearths with great spirit and bravery, and I have no doubt that their conduct will in the future have an immense effect with regard to the probability of such incursions, and will inspire the Canadians with confidence in themselves. The question whether troops should be kept in Quebec or Halifax is very much narrowed by the railway which runs between those two fortresses being very nearly completed. Even in the winter a few years ago troops were easily moved from Halifax to Quebec, and such a movement will be still easier when the railway is finished. I hold that nothing can be truer than what my noble Friend the Under Secretary has stated—that the Colonies must depend on the power and influence of the mother country; and that power and influence will be increased, not by dotting troops all over the world, but by being in a position to render assistance wherever needed, and I am sure that the invasion of any of our Colonies would be resented exactly as if it were an invasion of our own soil. I am convinced that what foreign nations regard as our real is our latent power, and that they are not discouraged by the presence of a few troops in a particular place. I remember that when those troops were sent out to Quebec the Government of Lord Palmerston was attacked by the Earl of Ellenborough and other noble Lords; and I am sure there is no medium course between the withdrawal of those troops and the sending out of a large army, which, in the present state of public opinion, would be quite impossible. Again, by withdrawing the troops you actually confer a great advantage on the colonists. You teach them to look to themselves and you put on them a gentle pressure to create an army which would be of great assistance in case of a war with some other country—an event which I hope will never happen. We have offered to let the Colony have a whole regiment to form a nucleus for their own army, in raising which I believe they will be very successful, and we are quite ready to let them have some of our best officers, who, however, will not lose their position in the English Army, although during the time they serve in Canada they will be entirely distinct from it, and will be the officers and servants of the Government of the Dominion. We must not forget what a great State Canada has become; for she has 4,500,000 inhabitants, a marine equal to three-fourths of that of France, there are 70,000 seamen on her lakes, and, by the great exertions which her people are making, they are proving that they feel the responsibility that lies upon them, and that they will meet it gallantly and well. So far from making it more likely that the United States will invade that Colony, I believe that the fact of our taking away a handful of British troops will remove any temptation to invasion that there might be at the time of great national irritation. With regard to the fishery question, the noble Earl (Earl Grey) has given your Lordships an incorrect statement of what has happened, although it is quite true that concurrently with the Confederation we told the Canadians that they must take upon themselves the charge of their own waters. The presence of a few British vessels is required, not so much to protect the fisheries as to preserve order. Efforts are now being made to arrange matters with the United States' authorities, who have co-operated with us and sent their vessels to prevent any collision that might possibly arise. As to Natal, we have thought it right not to make any change for reasons which are perfectly obvious; and, with regard to the Cape of Good Hope, we have agreed to retain a regiment at Simon's Bay, and to allow the Colonial Government to place that regiment wherever they think it convenient. I believe that nothing has excited public feeling in this country more than the immense sums which the Imperial Government have lavished on the Cape of Good Hope; for not merely a regiment, but an absolute army was kept up there. As to the form of government, the noble Earl (Earl Grey) has said that I have been pressing them to take upon themselves the responsibility of self-government; but that is not the case, for what I wrote to them was to say that not only were their finances out of order, but their whole legislation was in a bad state, and that I attributed partly to the expenditure to which we had accustomed them. I told them they must choose between two courses—either they must strengthen the Queen's representative in the Colony, so as to enable him to deal with the finances, or they must take upon themselves the responsibility of self-government. I venture now to make an appeal to my noble Friend (Earl Russell) to withdraw his Motion. He, not having been in this country at the early part of the Session, was naturally anxious to make his views known to the public on this important question; but I think it would not be desirable for the House to adopt his Motion, one part of which would be something like a Vote of Want of Confidence in the Government.

Earl RUSSELL said, he had no wish to be supposed to have any want of confidence in the Government, and he would withdraw his Motion.

Motion (by Leave of the House) *withdrawn.*

House adjourned at Eight o'clock'
'till To-morrow, half past
Ten o'clock

# HOUSE OF COMMONS,

*Monday, 20th June, 1870.*

MINUTES.]—Supply—*considered in Committee —Resolutions* [June 17] *reported.*

Public Bills—*Resolution in Committee—Ordered First Reading* — Cattle Diseases (Ireland) * [174].

*Ordered—First Reading*—Curragh of Kildare * [175].

*Second Reading*—Post Office * [144]; Local Government Supplemental (No. 2) * [171].

*Select Committee* — Telegraph Acts Extension * [142], *nominated;* Pilotage [25].

*Committee* — Elementary Education (*re-comm.*) [167], *debate adjourned.*

*Committee — Report* — Sale of Poisons (Ireland) (*re-comm.*) * [140]; Dividends and Stock * [158]; Larceny (Advertisements) * [159]; General Police and Improvement (Scotland) Supplemental (*re-comm.*) * [173]; Liverpool Admiralty District Registrar (*re-comm.*) * [164]; Public Health (Scotland) Supplemental * [136].

*Third Reading*—Stamp Duty on Leases * [161]; Local Government Supplemental * [153]; Salmon Acts Amendment * [163], and *passed.*

*Withdrawn*—Metropolitan Buildings and Management * [80]; Criminal Courts Procedure (Scotland) * [107].

## LOCAL TAXATION.—QUESTION.

Sir MASSEY LOPES said, in the absence of the First Lord of the Treasury, he wished to ask the President of the Poor Law Board, When he proposes to introduce the general and comprehensive measure dealing with the whole subject of local taxation, which he promised the early part of last Session, and which promise was renewed in Her Majesty's Gracious Speech from the Throne at the commencement of this Session?

Mr. GOSCHEN, in reply, said, the hon. Baronet was in error in saying there was any promise on the part of the Government to introduce a general and comprehensive measure dealing with the whole subject of local taxation. His right hon. Friend at the head of the Government said the subject should be treated in a comprehensive manner; but he never threw out the hope that it could be done in one Bill. The subject would have to be dealt with by two Bills, one with reference to rating, and another with regard to the collection. A third branch had been referred to the Select Committee of which the hon. Baronet was so able and industrious a Member, and which the hon. Baronet knew had not yet made its Report. He was afraid the state of Public Business was such that they would not be able to deal with the subject this Session.

## KENSINGTON ROAD IMPROVEMENT BILL.—QUESTION.

Sir HENRY HOARE said, he wished to ask the First Commissioner of Works whether he intended to withdraw, postpone, or proceed with the obnoxious Bill called the Kensington Road Improvement Bill? He would ask the right hon. Gentleman to reply to the Question with his usual courtesy, and also the following Questions:—Whether it is true that plans showing the deviation of the Kensington Road into Hyde Park, proposed by the "Kensington Road Improvement Bill," were prepared by Mr. T. A. Dash, Land Surveyor to Her Majesty's Office of Works, lithographed by Messrs. Waterlow and Son, and issued from the Office of Works to a limited number of persons not being Members of this House, five or six weeks since; and, if so, whether, when copies of plans were promised the House, it would not have been practicable within two days from the promise to serve printed copies of those plans upon every Member; and when it is proposed to place plans and explanations in the possession of the House; whether any, and if any, what agreements exist between the owners of property adjacent to the Albert Hall of Arts and the Exhibition and Kensington Roads on the one side, and the Committee of the Albert Hall or the Commissioners of the Exhibition of 1851 on the other side, on the subject of the land proposed to be given them by the Kensington Road Improvement Bill; what consideration is to be obtained for the land; and whether any arrangement is made that land shall be given up to the Exhibition Commissioners or the Hall Committee to form a way into the Exhibition Road from the Hall in the rear of Gore, Stanhope, Upper Gore, Merrion, and Eden Lodges; whether the stoppage of Rotten Row to the west of the carriage-road leading from the Alexandra Gate to the Victoria Gate of Hyde Park is not a part of a large scheme of proposed alterations in the locality, sanction for which has not yet been obtained from this House; whether the details of that scheme are not shown on a plan in the possession of Mr. Mann, the Superintendent of Gardening to Her Majesty's Office of Works; and, whether he is prepared to submit that plan to Parliament, and to afford early opportunity for its consideration and approval by this House; and to suspend execution of that plan pending such consideration and approval?

Mr. AYRTON: The question, Sir, with regard to plans seems to refer to the plan which was deposited, in accordance with the Standing Order, with the clerk of the peace, which is described in the Preamble of the Bill; of which, therefore, the House has been informed ever since the Bill was introduced and laid upon the Table. Those persons who are entitled to have copies of the usual deposited Parliamentary plans of course had them. With regard to any agreement existing between the owners of property and the Committee of the Albert Hall, I am acquainted with no such transaction. If there is any agreement, it can be obtained by Motion; but it is not a transaction with which I have any concern. The only agreement entered into is with the Exhibition Commissioners to make over to them a certain part of the road, in consideration of their contributing a certain sum to cover the expenses of carrying the Act into effect, so far as it relates to the public road—that agreement being an indemnity to the Chancellor of the Exchequer against any charge in that respect in the event of the sale of the lands under the new Act. With regard to the stoppage of Rotten Row to the west of the carriage-road leading from the Alexandra Gate to Victoria Gate, he will merely observe that the internal alterations of the Park are being made under proper authority—namely, the authority of Her Majesty, with the advice of Her Majesty's Ministers; and it is not usual to come to the House to ask for authority to lay out the roads and paths in the Park. Such a thing has never been done. What is done is to lay on the Table of the House the cost of the works generally to be carried out in the Parks. Such Estimate has, in the usual course, been laid on the Table, money has been voted on account, and expenditure has gone on in the usual course. It will, however, be quite competent, when that Estimate is considered in Committee, for any hon. Member to discuss it as much as he pleases, and propose any course in regard to that Vote. The hon. Baronet also asks whether the details of the scheme are not shown on a plan in the possession of Mr. Mann, the Superintendent of Gardening to Her Majesty's Office of Works. My reply is, that the details as stated in the Parliamentary Papers have not yet been finally settled, and consequently there is and could be no such plan in the hands of Mr. Mann. With regard to what is finally to be done with this Bill, I stated, in reply to the hon. Member for one of the Divisions of Yorkshire, that, if he would be good enough to put his Question on a day agreed upon between us, I would give him the answer he desires.

Sir HENRY HOARE said, he wished to ask, Whether the right hon. Gentleman intends to proceed to-night with the Kensington Road Improvement Bill?

Mr. AYRTON: It is not my intention to proceed with that Bill to-night of course.

## POST OFFICE — IRELAND — TELEGRAPHIC COMMUNICATION.—QUESTION.

Mr. STACPOOLE said, he would beg to ask the Postmaster General, What steps he proposes to take, and when they will be taken, towards securing for the people of Ireland that "cheaper, more widely extended, and more expeditious system of telegraphy" which the Act of last Session, 30 and 31 Vic. c. 110, was passed with the view of establishing, and to aid in the accomplishing of which no less a sum than £6,451,662 has been contributed by the National Exchequer; and, whether the additional Cable which some months ago it was promised would be laid down between England and Ireland has been manufactured, and when it is expected that, through its agency, sufficient means of electric communication will be established between the two Countries?

The Marquess of HARTINGTON said, in reply, that whatever might be the defects of the Post Office administration of the telegraphic communication between England and Ireland, it could not be said that steps had not been already taken to procure a cheaper system of telegraphy. On the 1st of February, when the Department assumed the control of the telegraphs, a reduction to a uniform shilling rate was made in Ireland as well as in England and Scotland. The effect of this, he believed, was that the number of messages sent between England and Ireland since that date was four times as large as it used to be. The circumstance of the system being somewhat less expeditious than formerly was attributable partly to the immense increase in the number of messages, and partly to the difficulties the Department had to contend with in consequence of the reduction of the means of communication by the breaking, on two different occasions, of the Wexford and Haverfordwest Cable. The Portpatrick and Donaghadee Cable has likewise been for a long time out of repair; but great exertions were being made to put it in an efficient state. The hon. Member had referred to a promise made some months ago respecting the laying down of an additional cable between England and Ireland. He was not exactly aware what promise the hon. Member meant; but there was no doubt that when an additional cable was required it would be laid down. Indeed, the subject of laying down that cable, and of further extending the inland telegraphic communication, was now under the consideration of the Department, and steps would be taken as soon as possible to carry out these objects.

## POST OFFICE—POSTING OF TRADE CIRCULARS IN BELGIUM.

### QUESTION.

Mr. M. GUEST said, he would beg to ask the Postmaster General, Whether his attention has been called to two Letters which appeared in "The Times" of June 13 and 14, relative to a certain British Coal Company, carrying on their business in England, who, by posting their Trade Circulars in Belgium, at a cost of one halfpenny, thereby diminishing the Imperial Revenue, which under existing Conventions they are obliged, in order to obtain this low rate of postage, to print abroad; and, whether, in his judgment, Her Majesty's Government could introduce some measure to prevent the recurrence of this practice, by which not only must the Imperial Revenue suffer, but by which the general printing trade in England might be damaged?

The Marquess of HARTINGTON: My attention, Sir, has been called to the proceedings of the firm in question, and it is no doubt true that under the existing postal convention between this country and Belgium, trade circulars can be posted in Belgium at the rate mentioned by my hon. Friend, to be delivered in England. In reply to the latter part of the Question, I may say I do not think there is any necessity for the introduction of a measure to prevent the recurrence of this practice, which will be most effectually checked as soon as the intended measure of the Government, reducing the postage of circulars in this country to a halfpenny, comes into operation. There will then be no longer any inducement to people to send circulars abroad to be posted. What I have just said will also be a reply to the Question of which the hon. Member for Southwark (Colonel Beresford) has given Notice.

## RATING OF PUBLIC BUILDINGS—VAGRANCY.—QUESTIONS.

Mr. CAWLEY said, he wished to ask the President of the Poor Law Board, Whether he will bring in the proposed Bill for the Rating of Public Buildings on an early day, so that parties interested may have ample time for considering it previously to the Second Reading?

Mr. BRODRICK said, he also wished to ask the President of the Poor Law Board, Whether it is his intention, during the present Session, to bring in any measure for the repression of Vagrancy?

Mr. GOSCHEN: With regard, Sir, to the question respecting a proposed Bill for the rating of public buildings I must state that no Bill was ever contemplated which was to deal solely with that subject, which was intended to form part of a measure dealing generally with all the other exemptions and various matters connected with the valuation of rateable property. It would not, I think, be desirable to introduce a Bill relating to any one of these subjects, unless it dealt at the same time with them all. At this advanced period of the Session it is hopeless to expect to be able to pass a Bill which would affect a great many personal interests and give rise to much discussion. It is not, therefore, in our power to proceed with the Bill this year. With regard to the subject of vagrancy, I do not know that it will be possible to pass any measure dealing with the whole subject; but I hope to be able to propose a Bill containing four or five clauses which will deal to a certain extent with the subject, and be capable of being so devised as to meet the evil at present existing. I hope I shall be able during the present Session to introduce a Bill of that kind.

## ARMY—PROPOSED CAVALRY BARRACKS IN CHELSEA.—QUESTION.

Sir CHARLES W. DILKE said, he would beg to ask the Secretary of State for War, Whether it is true that it is in contemplation to purchase land from Earl Cadogan for the purpose of erecting Cavalry Barracks in the heart of Chelsea parish?

Mr. CARDWELL: Sir, I have had some reason to suppose that such a plan would be brought under my consideration; but I do not understand that Lord Cadogan's consent has been obtained, and, under these circumstances, I do not regard the proposal as practically before me.

## LICENCES FOR HORSES EMPLOYED IN DRAWING ROAD MATERIALS.

### QUESTION.

Mr. WELBY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, as for the future it will not be necessary for Farmers to take out Licences for Horses which may be occasionally employed in drawing road materials, he will recommend that the Duty which has already been paid in such cases this year be remitted by the Board of Inland Revenue?

The CHANCELLOR of the EXCHEQUER said, he was not prepared to make such a recommendation.

## POST OFFICE—ENGLISH MAILS TO INDIA, *viâ* BRINDISI.—QUESTION.

Mr. STACPOOLE said, he would beg to ask the Postmaster General, Whether any Contract has been made for the carriage of the English Mails to India viâ Brindisi; with whom, and for what length of time; and what is to be paid for such service; if no Contract has been made, under what arrangements are the Mails now carried viâ Brindisi; and at what cost to the Postal Department?

The Marquess of HARTINGTON: The Post Office has made no contract for the carriage of English mails to India *viâ* Brindisi. As I have stated in answer to several previous Questions, a mail supplementary to the ordinary Indian mail is despatched *viâ* Brindisi. A certain payment is made to the Italian Government which includes the transit through the Italian territory and the conveyance of the mails from Brindisi to Alexandria, at which point they fell into the ordinary Overland Mail. In order to make that payment to the Italian Government an additional charge is made of 3*d.* for every half-ounce letter, and of 1*d.* for every four-ounce newspaper.

## CRIMINAL LUNATICS.—QUESTION.

Mr. BUXTON said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that prisoners who have been found lunatic are detained for some weeks in solitary confinement before being sent to the Lunatic Asylum?

Mr. BRUCE, in reply, said, he was not aware that such was the case; but if the hon. Member knew of an instance and would communicate the facts to the Home Office inquiries would be made into the matter. He would add that it is to the interest of visiting justices to report such cases to the Home Office.

## IMPORTATION OF CATTLE.

### QUESTION.

In reply to Sir HENRY SELWIN-IBBETSON,

MR. W. E. FORSTER said, there was no intention to treat Thames Haven as distinct from the Port of London in respect of the landing of cattle from infected districts. This decision was come to by the late Government, and had not been departed from.

## TURKEY—FIRE AT CONSTANTINOPLE.

### QUESTION.

In reply to Mr. RYLANDS,

MR. OTWAY said, he must repeat his assurance that, according to the advices received from Constantinople, everything that could possibly be done to extinguish the fire at the Embassy House was done, both by those connected with the Embassy and by those representing the Turkish authorities. Even the wife of the Ambassador was active, and for a time successfully active, in superintending her women in their efforts to put the fire out when it caught the window. Eventually she escaped with her servants by a back staircase, the chief staircase having become impassable from falling molten lead. The hose, engines, and cisterns were all in proper order.

## METROPOLIS — THE ZOOLOGICAL GARDENS.—QUESTION.

MR. PEEK said, he would beg to ask the First Lord of the Treasury, Whether his attention has been called to the following extract from the present year's Report of the Council of the Zoological Society:—

> "Gardens, Regent's Park.
>
> "1. Extension of the Gardens.
>
> "For many years the Council have not ceased to urge upon the Commissioners of Works the pressing necessity for some extension of the Society's Gardens, in order to afford space for the better accommodation of their large and ever increasing collection of living animals. The Council have not failed to point out to the First Commissioner that in keeping up this collection at an expenditure of about £20,000 a year, and in a manner that is on all hands admitted to be unrivalled, the Society were performing a function that in most civilised countries is either undertaken by the State, or materially assisted by grants from the national purse.
>
> "The Council, however, regret to say that they have not hitherto succeeded in overcoming various objections made by the Commissioners of Works to their request, except so far as to have obtained permission to re-enter into occupation of the piece of ground on the north side of the Regent's Park Canal, immediately opposite to the Society's Gardens. This piece of ground was formerly tenanted by the Society at a yearly rental of £20 7*s.* 8*d.*; and its occupancy has now been resumed by the Society from Michaelmas last upon the same terms."

And, whether he does not think, that, in consideration of what the Society has done for the enjoyment and instruction of the people and its large annual expenditure, it is entitled to consideration at the hands of the Government?

THE CHANCELLOR OF THE EXCHEQUER said, that last year the Council of the Zoological Society applied to Mr. Layard, then First Commissioner of Works, for an additional piece of land, which was granted to them at a very moderate rent—£20 7*s.* 8*d.* a year. The hon. Member asked whether the Society did not deserve some "consideration at the hands of the Government;" and, in reply, he submitted that the decision to which he referred showed that the Government had some consideration for the Society. If the hon. Member wished to secure more land for the Society, his proper course would be to apply to the Office of Works, and if unsuccessful, to submit a Resolution to the House.

## MR. SPEAKER'S ABSENCE.

MR. SPEAKER: Before proceeding to the Orders of the Day, I wish to mention to the House that I have been honoured by an invitation from the Chancellor of the University of Oxford, to attend at Oxford on Wednesday next, in order that the Degree of Doctor of Civil Law may be conferred upon me by that University. It is necessary that recipients of that honour should attend in person; but it is only by the indulgence of the House that I can absent myself from its sitting on that day. If the House will afford me that indulgence, I shall be happy to proceed to Oxford and show my sense of the compliment which has been proposed to me by my old University.

MR. GLADSTONE: Sir, the House has learnt with very great gratification that a new distinction is to be added to the many others you already possess. I believe it will be perfectly regular that I should move, that during Mr. Speaker's temporary absence at Oxford, on Wednesday next, Mr. Dodson, the Chairman of the Committee of Ways and Means, do take the Chair as Deputy Speaker, pursuant to the Standing Order.

MR. DISRAELI: Perhaps I may be permitted to second that Motion. I am sure I do not misinterpret the feelings entertained on this side of the House—indeed, I think I may on this occasion speak for the House generally—when I say it is to hon. Members a subject of great pleasure that they have an opportunity of showing respect and regard to you, Sir, and it is most gratifying to them that you, Sir, are about to receive an eminent honour from an illustrious University.

*Ordered,* That during Mr. Speaker's temporary absence at Oxford, on Wednesday next, Mr. Dodson, the Chairman of the Committee of Ways and Means, do take the Chair as Deputy Speaker, pursuant to the Standing Order.—(*Mr. Gladstone.*)

Whereupon Mr. Speaker expressed his acknowledgments to the House for its indulgence.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[BILL 167.]—COMMITTEE.

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. RICHARD, in rising to move the Amendment of which he had given Notice, said—* He could say, with unaffected sincerity, that it was with extreme diffidence and reluctance he had consented, in deference to the wishes of others whose judgment he was bound to respect, to occupy the position in which he then stood. It was no pleasure to him, but very much the reverse, to appear to lead an opposition to so important a measure of the Government as that then before them. He had endeavoured to bring to the consideration of the Elementary Education Bill a mind perfectly impartial and dispassionate, except, indeed, so far as it was biased by a strong disposition to regard with favour any measure proposed by a Government, in which it had been his happiness hitherto to feel almost unlimited confidence. He was one of those, indeed, who doubted the wisdom of attempting to pass a measure of national education in that Session. The country was discussing the subject with great animation and earnestness, and, as it appeared to him, with great moderation and temper, and he thought it would have been better to permit that discussion to go on, at least for a year, until public opinion, which was itself in a somewhat crude and unformed state, had subsided into something like clearness and consistency. But since the Vice President of the Council thought it his duty to deal with the subject at once, there was, he believed, a disposition on all hands to consider most calmly and candidly any proposals he might be prepared to make. He believed there was scarcely any person in that House whom the Nonconformists of this country had been more disposed to trust than the right hon. Gentleman. For himself he could say, that feeling the supreme importance of the question in its bearing upon the future well-being and prosperity of our country, and acknowledging, as every candid man must acknowledge, the manifold difficulties by which it was surrounded—difficulties not factitious and imaginary, as some would imply, but most real and formidable—he thought they all ought to approach the discussion in a spirit of mutual forbearance, candour, and conciliation, and especially that his right hon. Friend was entitled to have a liberal and generous construction put on his intentions and motives. And such, he believed, was the temper in which the country generally had entertained and examined the Bill. And though, no doubt, there was among the Nonconformists a feeling of great disappointment and surprise when some of its provisions came to be known, they had shown no desire whatever to reject it. On the contrary, some of them, at least, were prepared to make concessions which appeared to him to carry them to the verge of inconsistency with their own professed principles. But this was done under the influence of motives so pure and patriotic, that though he could not agree with them, he dared not censure them. But with every disposition to concede, there were certain portions of the Bill which it was impossible for them to accept, and which had been rejected with almost absolute unanimity by all bodies of Nonconformists in this country. They were, however, still most anxious that something should be done to obviate their objections; and therefore it was that they listened with intense interest to the statement of the Prime Minister on Thursday last, in the hope that he might offer them such modifications of the measure as would absolve them from the necessity of further opposing it, and enable them to do, what he assured the right hon. Gentleman would be far more congenial to their feelings, give to him and the Bill their cordial support. He was obliged, however, to say that after listening to that statement he, for one, was wholly disappointed. The new scheme of the Government, instead of removing objections had added others, which were in some respects still more formidable. Under the Bill, as it originally stood, there was at least a possibility of its being so amended that the existing denominational schools might, without being subjected to any violence or injustice, become absorbed in, and incorporated with, a real system of national education. But the present scheme might be described as a measure for making the education of the people of England universally and for ever denominational. Or, to use the language of *The Times* newspaper in one of its articles last Saturday—

> "We are landed in this wonderful conclusion—The agitation of the last two or three months has been one continued protest against the spread of denominational education, and the Bill as amended and re-amended promises to assist what the voice of the nation rejects."

He was not going to indulge in any disparaging observations respecting denominational schools, which had rendered such valuable service to the cause of education in times past; and he entirely repudiated and repelled, as ungenerous and ungrateful, the imputations which had been made by some enthusiastic, but inconsiderate educationists to the effect that the religious denominations in this country had stood in the way of the education of the people. The reverse was the truth. Long before the State had awoke to the sense of its duty—if, indeed, it was the duty of the State to take charge of the education of the people, which he, for one, gravely doubted—the religious bodies had been actively at work covering the face of the country with schools in which an education was given which, if not reaching to an ideal standard of perfection, was of great value to large masses of the people; and no feeling of sectarian narrowness should prevent him from acknowledging that the clergy of the Church of England were entitled to an honourable pre-eminence in this matter. Still it appeared to him that denominational schools should be voluntary schools. So long as they were established and supported by the spontaneous liberality of their promoters no one would have a right to interfere with their perfect freedom of teaching. He thought, however, that if there was to be a national system of education, it was undesirable that it should be denominational. But when it was proposed to make denominational education permanent and universal, and to saddle the support of it for ever upon the taxpayers of the country, it was not only undesirable, but absolutely inadmissible. If the scheme of the Government were carried out consistently, they must in all fairness and justice not only continue the grants already made, but make grants to every denomination that might think fit to claim them. And what would this scheme be then? It might be described in one sentence which he would borrow from Mr. Cobden, who, in reference to a project in all essential respects similar to that of the Government, started by some excellent people at Manchester, 20 years ago, said—

> "It is, in fact, a proposal by which everybody shall be called upon to pay for the religious teaching of everybody else."

As a Nonconformist, he had, *in limine*, an insurmountable objection of principle to such a scheme. If he knew anything of the principles of Nonconformity, one of the most fundamental and universally acknowledged of them was this—that it was not right to take money received from the general taxation of the country, and apply it to purposes of religious instruction and worship. He was not going then to discuss the soundness or unsoundness of that principle, though it appeared to him to lie at the very foundation of all religious liberty. For if they claimed the right to compel one man to pay for the support of another man's religion, and to enforce that, as they must, by penalties of law, they passed at once into the region of religious persecution. He should like to fortify the statement he had made, as to this being one of the fundamental principles of Nonconformity, by very short extracts from two distinguished Nonconformist Members of that House. The first was from the right hon. Gentleman the President of the Board of Trade, whose absence on this as on so many other occasions during the Session they had so much reason to deplore. Speaking in that House in 1847, on an education debate, on the Minutes of Council introduced by Lord Russell's Government, and in reply to a speech of Lord Macaulay, who had characterized the expressed opinions of the Nonconformists as "the clamour out of doors," the right hon. Gentleman made use of these words—

> "Recollect, when the whole of the Nonconformists are charged with clamour, what they mean by being Nonconformists. They object, as I understand—at least, I object—to the principle by which the Government seizes hold of public funds to give salaries and support to the teachers of all sects of religion, or of one sect of religion, for I think the one plan nearly as unjust as the other. Either the Nonconformists hold this opinion, or they are making a sham. They object to any portion of the public money going to teachers of religion belonging either to the Established Church or to Dissenting Bodies; they object to receive it for themselves."—[3 *Hansard*, xci. 1094.]

The other opinion to which he would refer was expressed in a lecture delivered in London by the hon. Member for Leeds in 1847. Speaking of the New Testament sanction and authority, which vested the support of religion on voluntary liberality, the hon. Gentleman said—

> "We must extend that principle to religious education, for if we once receive public money for religious instruction in our schools, we should very soon receive it for religious instruction in our chapels. On that point there can be no dispute, except with men whose ideas are exceedingly confused."

He (Mr. Richard) had, he must repeat, an insurmountable objection to the principle which underlay the present scheme of the Government; it was, in fact, a principle of concurrent endowment. Of course, the Church of England would have the lion's share. The proposed system would place many districts wholly under the influence of the members of that Church. They had the land, they had the wealth, they had the social influence, they had the ear of men in office. And at what time was that proposed? At a time when a large, increasing, and powerful section of the clergy of the Church were openly teaching doctrines, the distinction between which and the doctrines of the Church of Rome was growing small by degrees and beautfully less. He had some acquaintance with the literature of that class of persons, and he found them teaching the doctrines of the sacrifice of the Mass, auricular confession, and priestly absolution, the adoration of the Virgin, the invocation of saints, prayers for the dead; and, of course, that Dissenters were schismatics and heretics; that Dissenting clergymen were only laymen; and that the sacraments administered by Dissenters were "blasphemous fables and dangerous deceits." He was not going to say one word disrespectful of those views, for he would insult no man's religious opinions; but this he would say, that there was a large number of persons in this country, including the whole body of Nonconformists of every denomination, who held those views in utter abhorrence, and they thought it a hard thing that they should be called upon to give 50 per cent to the support of schools in which such doctrines were to be taught. He would now come to the second important change made in the Government measure. The right hon. Gentleman at the head of the Government said on Friday last that he was prepared to adopt the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple), to the effect that in schools hereafter established by local rates, no catechism or religious formulary which was distinctive of any particular denomination should be taught. He ventured to say that that would be no security whatever against the schools becoming purely sectarian. Could anyone imagine that a zealous sectarian, whether a Dissenter or a Churchman—for there were sects in the Church as well as out of it—would be deterred by such a regulation from teaching anything or everything that he might consider special to his own sect? There was no provision, let it be observed, against the teaching of distinctive doctrines, provided they were not taught in the shape of a catechism or formulary. They might be taught in any way the majority of the local Boards would order, and any "ism," from Puseyism to Positivism, might be so taught. If, on the other hand, the matter was to be left to the discretion of the schoolmaster, who was to be at liberty to teach to the children any religious doctrines he chose, he quite agreed with the right hon. Member for Buckinghamshire that they were about to create a new sacerdotal class, in whose hands they were going to entrust a very formidable power, which would influence the mind of the country for all time to come. If they said the school Boards were to have authority to control the teaching of the schoolmaster, then they introduced into those an element of religious discord and animosity. What was the way out of the difficulty? He agreed with the Prime Minister that a solution of the difficulty was not to be found in the proposal of the hon. and learned Member for Oxford (Mr. Vernon Harcourt)—namely, that there should be religious teaching, but of an unsectarian and undenominational character. These terms were far too vague. Those who advocated this plan had been misled by the success of partial experiments that had been made upon a limited area, and under circumstances entirely different from those under which the experiment must be made when they had to work a system of national, rate-supported, and compulsory education. A few Evangelical members of the Church, and of the Evangelical Nonconforming bodies, might find no difficulty in getting some common ground on which they could agree as to the religious doctrines that were to be taught in the schools. But they must consider the large number of members of the Church, and the 1,000,000 or more of Roman Catholics to whom the observation would not apply, and also take into account Unitarians, to whom all Trinitarian doctrine was sectarianism; the Jews, to whom the New Testament itself was a sectarian book; and unbelievers, because it was proposed to take the money of all to pay for the support of these schools. If they were to eliminate from the proposed system of religious instruction whatever was objectionable to all these sects and persons, what kind of religion would they have left? Besides, there was another difficulty. In case of any difference arising as to what was sectarian teaching, who was to decide? The Prime Minister informed a deputation that waited on him not long since that they could not make the schoolmaster the ultimate judge of what he was to teach; and that if the appeal was to be to the local Board, it would be but the harbinger of a general warfare. Some one suggested a reference to the Privy Council. In his (Mr. Richard's) opinion, it was impossible that the Privy Council could adjudicate upon every case that might arise in 50,000 or 60,000 schools all over the country. The only way in which the Government for the time being, represented by the Committee of Council on Education, could deal with the matter, would be by preparing some general instructions as to what they considered to be sectarian or unsectarian religious teaching. And imagine any Government undertaking to discharge such a duty. For his part, he had the greatest confidence in the almost unbounded intellectual resources of the Prime Minister; his theological and ecclesiastical knowledge was, no doubt, very large; his ingenuity and constructive faculty they had had ample opportunities of admiring during that and the last Session of Parliament; but he should despair of even the right hon. Gentleman succeeding in constructing a new kind of eclectic religion, including everything that was acceptable, and excluding everything that was unacceptable to everybody. In this state of things he proposed the Amendment of which he had given Notice—namely, that, in any national system of elementary education the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds. He was happy to have received important and candid admissions in its favour. The right hon. Gentleman the Prime Minister acknowledged it was the only logical position they could take in order to escape from the objections raised by the Nonconformists; and he added that he had no horror of that logical result, because he did not think that by itself it implied the slightest disrespect to religious teaching, or any wish to prevent or obstruct such teaching. For himself, he could say he agreed with many hon. Gentlemen on both sides of the House, that religion was beyond all comparison the most important element in the education of a human being, the influence which alone effectually could "what is dark in us illumine, what is low, raise and support." And if there was any class of the community more than another that required the hopes and consolations of religion, it was precisely that class for which a system of primary education was specially intended—namely, the toiling millions of our countrymen, in order to soften the asperity of their lot, and to irradiate the darkness of their present life with the light of a hope that is full of immortality. He could not however sympathize in the slightest degree with those who decried as worthless or dangerous every kind of education that was not directly religious. He was certain they were not enlightened friends of religion who endeavoured to brand as profane or godless every kind of knowledge but that which had some kind of theological tint about it. How could anything be godless that introduced us into more perfect acquaintance with the works and ways of the Supreme Creator? What, in fact, was this great universe which we inhabit but a magnificent school-room, built for us by the great Master, hung around with gorgeous pictures, designed to reveal to us his glorious and infinite perfections. He could claim in support of this view the opinions of a great authority on education — namely, the present Bishop of Manchester, who, in his recent able Report to the Committee of Council on the subject of the American system of education, said—

> "I do not like to call the American system of education, or to hear it called, irreligious. It is, perhaps, even going too far to say that it is non-religious, or purely secular. If the cultivation of some of the choicest intellectual gifts bestowed by God on man—the perceptions, memory, taste, judgment, reason—if the exaction of habits of punctuality, attention, industry and good behaviour; if the respect which is required, and which is paid during the reading of a daily portion of God's holy word, and the daily saying of Christ's universal prayer, are all to be set down as only so many contrivances for producing 'clever devils,' it would be in vain to argue against such a prejudice. But if, as I believe, the cultivation of one of God's good gifts, and the attempt to develop any one right principle or worthy habit are, so far as they go, steps in the direction not only of morality, but of piety, materials with which both the moralist and the divine, the parent and the Sunday-school teacher, may hope to build the structure of a 'perfect man' which they desire, then it is manifestly ungenerous to turn round upon the system which does this, which supplies these materials of the building, and is prohibited by circumstances over which it has no control, and to which it is forced to adapt itself, from doing more, and stigmatize it with the brand of godlessness."

In fact, the question was, not whether religious education was to be given, but how and by whom it was to be given? He wanted not only religious education to be given, but distinctive and positive religious teaching, for he had no faith in a neutral, colourless, and bloodless kind of religious teaching, out of which everything that was essential and vital had been eliminated. But who was to give it? The State could not, for doing so formed no part of its functions. What was the State? So far as our country was concerned, that House might almost say—*L'Etat, c'est moi!* That House had the most important place in the legislation of the country, but how was it composed? They had only to look at its constitution to become convinced that it was not a body which could undertake to direct the religious teaching of the country. It was composed of members of the Church of England of every possible shade of opinion, from the followers of Dr. Pusey to those of Dr. Colenso; of Roman Catholics, Presbyterians, Independents, Baptists, Wesleyans, Calvinistic Methodists, Plymouth Brethren, Unitarians, Jews, and, for aught he knew, "Turks, Infidels, and heretics." How then could they, constituted as they were, undertake to provide or direct a system of religious instruction for the people? He proposed that the State should give what it could give—namely, a literary and scientific education, and leave to the Churches and the religious denominations to supplement that education by teaching religion. He might be asked, had they any security that a religious education would be given in that case? He thought he could promise that there would be at least as good an education given them as at present. The fact was, that the religious education now given in the day-schools was little better than a sham. He needed no other proof of that statement than the annual Reports of the Inspectors of the Committee of Education of the Privy Council. He would cite a few extracts, going no further back than the very last series of Reports presented by the Inspectors. Rev. J. Rice Byrne, Inspector of Church of England Schools in Gloucestershire, says—

> "I concur with such of my colleagues as have reported unfavourably of the religious instruction, as for the most part insufficient, mechanical, and unedifying. . . . May I be permitted to remark that the responsibility for an evil which Her Ma-

jesty's Inspector can at least only alleviate, would, at any rate, be transferred to those to whom it justly belongs, if the supervision of religious instruction were, in Church of England Schools, as in others, left altogether to ministers of religion and their superiors."

The Rev. C. Du Port, Inspector of Church of England Schools in the counties of Berks, Hants, Oxford, Surrey, and Wilts, says—

"The catechism is most probably learned *memoriter*, but it is repeated generally quite without intelligence, and is droned out almost unintelligibly; and where Bible stories are taught, and not merely read, the style of answering is generally a mere simultaneous bawl in response to either leading or stereotyped questions, and implies now, and promises for the future, practical ignorance on the part of the children individually."

Rev. Claud Parey, Inspector for Cumberland, Westmoreland, and parts of Lancashire, Northumberland, and Yorkshire, says—

"As a matter of fact it is rare, though not without exception, to find the religious knowledge really good where it has not received attention from the clergyman; and where the clergyman never takes any part at all, it is generally superficial in the extreme."

The Rev. J. Pryce, Church of England Inspector in Mid-Wales, says—

"Even in very fair annual grant schools, where the character of the religious instruction reaches up to 'good' and 'fairly good,' I question much whether the children derive much spiritual profit from it, if it has been taught them by the acting teacher, an apprentice, or a monitor. Such teaching is necessarily given in such a dry, hard, and uninviting manner, that it does not reach the heart, and utterly fails, if such be its purpose, in making the children better Christians, or better Churchmen; while in inferior schools the children are simply crammed for the religious examinations a few days before the Inspector's visit. In the face of all this, the clergyman of the parish will perhaps consider that the children are taught their religious duties by the schoolmaster, and will be apt, therefore, to neglect the most important work himself."

The Rev. G. Steele says of schools inspected by him in Lancashire—

"But probably there is greater reason to be dissatisfied with the manner, than with the matter of religious instruction. Too often the examiner finds the children's minds almost blank of anything beyond mere facts of history, or formulas of doctrine. Sound principles for the regulation of daily life, and the great ideas of duty and responsibility, are not sufficiently grafted upon Scriptural facts and examples."

He could multiply these quotations, but for fear of wearying the House. And was this a kind of religious education for which it was worth so vehemently to contend? Who, then, should take care of the religious education? There were more than 50,000 ministers of religion in England who had no other reason to assign for their own existence, except that they existed to teach religion to the people. Some of them were paid largely out of State endowments, and if their function was to be given over to the schoolmaster, why not give the latter a portion of the religious endowments? But nearly all these ministers of religion had also working with them, and under their superintendence, lay organizations of various kinds, including a noble band of some 320,000 Sunday school teachers to aid them in the work of religious education. He was happy to fortify his own views by the authority of a distinguished minister and dignitary of the Church of England, the Rev. Dr. Hook, Dean of Chichester. It would be difficult to find a more competent authority. Dr. Hook was himself a most zealous, experienced, and successful educationalist. He was, moreover, as he says, a High Churchman, though he (Mr. Richard) must say a most generous and large-hearted High Churchman. In a pamphlet published by him 23 years ago, he advocates a plan precisely similar to his. He would quote his words—

"Let us, then, see what steps may be taken, without violation of religious principles, and, if so, what steps ought to be taken. In order to do this, let us ascertain why there has been so strong an objection on the part of religious men, whether Churchmen or Dissenters, against every proposal which has hitherto been made in favour of a State education. Statesmen, as well as others, will always find that it is the part of sound policy, as well as of honesty, 'to tell the truth and shame the devil.' When a suspicion exists that falsehood lurks at the bottom of a measure proposed for our acceptance, repugnance to it is straightway excited. If the State promises what it is quite clear the State is unable to give, then, because its promises are known to be false, a prejudice is excited against its proposals. It is abundantly clear that the State cannot give a religious education, as the word religion is understood by unsophisticated minds. The assertion that it is desirable that the State should educate, and that its education must be a religious one, which is, as I shall show, in one sense true, must greatly awaken suspicion when the assertion is made by those who are known to have no religion, properly speaking, themselves. It is suspected that an evasion is intended, and that it is meant to keep the word of promise to the ear, but break it to the hope. There is an instinct in the religious mind which excites a suspicion that the principle is enunciated merely to silence opposition; and the question at once occurs to the practical English mind—to which religion is not a sentiment, but a reality—when you speak of religion, what religion do you intend? The Churchman asks, is education to be based on my religion?

if it be, I am ready to sacrifice everything in order to work with the State. But no, this cannot be; for this would exclude a large and influential portion of the community, the Protestant Dissenters; and then comes the question from the Dissenters, will you base education upon Protestantism, or the admission of every species of doctrine and opinion except those which are peculiar to the Church of Rome? This cannot be; because it would lead to the rejection of Roman Catholics. Will you base religion then on the Bible, and the Bible only? The difficulty now occurs as to the version to be used, whether the authorized version, the Roman Catholic, or the 'Unitarian' version. What, then, is the religion the statesman will give us as the basis of education? Upon investigating the subject we find that a notion prevails among careless people that religion may be treated as either general or special; special religion is doctrinal, and general religion is some system of morals, which being divested of all doctrine, looks so like no religion at all that religious persons at once perceive that when people talk of an education based on such a religion, they seek to deceive themselves as well as us and utter a falsehood. I believe that all religious sects and parties will on this ground combine to resist any State education which is professedly religious; and I believe that it is because statesmen have supposed it necessary, in order to conciliate religious persons, which they have entirely failed to do, by talking of their education as based upon religion, that the strong feeling of opposition to State education has been excited. But their position will be changed, if they tell us that, while the State recognizes the necessity of a religious education, it can itself only give a literary and scientific education; and that it will obtain from others a blessing which it cannot confer itself. It makes an essential difference whether a part is put for the whole, which is the fact under the system hitherto proposed; or whether the literary education of the State be declared of itself insufficient, and only one department of a great work. If the State says that it will make provision for literary or secular instruction, calling in the joint aid of the Church and Dissenters to complete the education; if it divides education into two departments, assuming one to itself and offering every facility to those who labour in the other department, a great portion of the objections to which I have alluded will be annihilated."

He was happy also to be able to cite in favour of his views the opinion of another very distinguished man, the late Mr. Cobden, to whom the Prime Minister had referred on Thursday in those terms of respect and admiration which he always delights to use in speaking of that illustrious patriot. But the right right hon. Gentleman, in speaking of Mr. Cobden's views on education, stopped short in the middle of a passage. He would continue the quotation. Mr. Cobden said—

"In joining the secular system of education, I have not taken up the plan from any original love for a system of education which either separates itself from religion, or which sets up some peculiar and novel mode of a system which shall be different from anything which has preceded it in this country. I confess that for 15 years my efforts in education, and my hopes of success in establishing a system of national education, have always been associated with the idea of coupling the education of this country with the religious communities which exist. But I have found, after trying it, as I think, in every possible shape, such insufferable difficulties in consequence of the religious discordances of this country, that I have taken refuge in this, which has been called the remote haven of refuge for the educationists—the secular system—in sheer despair of carrying out any system in connection with religion. I should, therefore, be a hypocrite, if I were to say I have any particular repugnance to a system of education coupled with religious instruction. But there is no one in this room, or in the country, that can have a stronger conviction than I have of the utter hopelessness of ever attempting to unite the religious bodies of this country in any system of education; so that I can hardly bring myself even to give a serious consideration to the plan that has now been brought forward by gentlemen in this city, and who have brought it forward, no doubt, with the best possible intentions, and who have only to persevere in order to find what I have found, for the last 15 years—the hopelessness of the task. For what is it those gentlemen have now proposed to do? Is there any novelty in it? Why, it is precisely what Parliament, and the Government, and the Committee of Privy Council have been attempting to do now for a great number of years—that is, to give a system of education to the country which shall comprise religious instruction, and which shall call upon the people of this country to subscribe, through taxation or rates, for the general religious as well as secular education of the country. You will have High and Low Church contending for the appointment of masters; in one parish, High Church predominating, the masters will be dwelling on the necessity of the old forms of the Church, and enforcing the ritual and observances prescribed by the liturgy and canons; and in another you will have the Low Church, on the other hand, dwelling on what they regard as the more vital essence of religion, and discountenancing those forms which the High Church regard; and you will have the same discords pervading your schools; and the consequence will be decreased efficiency of the masters, and, in some cases, a divided school, a disruption of the school along with the congregation; and you will have to fight the battle again, to reconcile the different bodies; and, in the end, I believe in my conscience, it will come, as in America and Holland, to this, you will be obliged, after a great waste of time, to return to the secular system which they have adopted, and which we are met here to advocate."

But he might be asked, if religious teaching were excluded from the schools, was there not the danger of our turning out a population of infidels? Well, in reply to that he would refer to the experience of two great nations, which had respectively tried the two opposite methods. In Prussia there had been for some years established a national system of education based on religious instruction, and the religious teaching was of a most dogmatic and positive character; and what was the result? There was not in Europe a more irreligious nation than the Prussians. That was generally acknowledged to be true; and when he was in Berlin last autumn he was very much struck by the fact stated in one of the journals that of the people buried in that city, 80 per cent were buried without any kind of religious observance or ceremony whatever —a fact which, he thought, spoke volumes as to the religious indifference of the people. In the United States, on the other hand, they found substantially a secular system. It was true they read a chapter of the Bible in many of the schools every morning, but by no means in all. There was not a more religious people in the world than the Americans. In proof of that he would mention, that according to the United States' Census of 1860, there were in that country 54,000 church edifices erected by voluntary contributions, at an estimated value of 171,000,000 dollars. It was, moreover, found that the number of those churches had increased 50 per cent, and had doubled in value during the preceding ten years. The total church accommodation was one church for every 544 persons, there being in the aggregate 12,875,119 sittings, being one sitting for every two and a-half persons in the whole population. He wished he could say as much for their own country. At least three-fourths of the entire population in the States are under the dominant influence of the chief Protestant Churches—the Presbyterians, the Congregationalists, the Methodists, the Baptists, the Episcopalians, the Lutheran, the German, the Dutch Reformers. That was a pretty conclusive proof that the secular system had not made the Americans a nation of infidels. Why not, therefore, try it here? What the day schools omitted, the ministers of religion and the Sunday schools would supply, and certainly he had no fear of the result. With regard to his own country (the Principality), he had no fear that the children would grow up godless, even though religion was not taught in the day schools. In their homes, by their parents, in churches, and in chapels, they could not fail to have their religious training carefully attended to. He, therefore, ventured to commend his Resolution earnestly to the House. Let the State give what it could give—literary and scientific instruction. Let it develop the faculties and train the intelligence of the people, and then let the Christian ministers do that which they could do, ought to do, and he believed would do —lead that trained intelligence to the knowledge and love of God. By thus not attempting to join together two things that cannot coalesce—by entrusting to the State the work which alone it could do—by looking to those whose proper function and special duty it was, for the supply of the religious teaching of the people—they would best form, not only an educated but also a religious people, and would, at the same time, be paying heed to the injunction of Him whom most of them in that House called Master, by "leaving unto Cæsar the things that are Cæsar's, and unto God the things that are God's." The hon. Member concluded by moving his Amendment.

SIR CHARLES W. DILKE: Mr. Speaker—My hon. Friend the Member for Merthyr Tydvil (Mr. Richard) has reminded the House that, when this Bill was introduced, regret was expressed by many that the Government should have dealt this year with education. It was felt that, long as we had waited, it was better even to wait another year, and then deal with English and Irish education as a whole, and carry then a perfect measure for both countries, rather than an imperfect measure now for one. I was not one of those who held that opinion then; but I hold it now, because, although public opinion has ripened fast, and the country is ready for a better Bill, we still find ourselves in a position of unwilling hostility to a Minister with whom we cannot but sympathize—whom we cannot but admire and respect; and because it is still left to the great constituencies to force the hand of the Ministry, and to drive them into doing that which, I believe, many of them personally would be glad to do. My hon. Friend who has just addressed the House—as a Welsh Nonconformist, a Dissenter of the Dissenters—has dwelt chiefly upon the first and third clauses of his Resolution. He cares more about these clauses than about the second, though he cares for all. I trust that I also care for all; but, caring for all, I admit frankly to the House that I care chiefly for the second. Only for this reason, however, do I care chiefly for compulsion—because, if permissive compulsion is carried, it will be years and years before we can make it general, even if we do not destroy the principle of compulsion altogether ; whereas, if you carry permissive sectarianism this year, before next year comes, or before a few years are passed, you will have refusals to pay the education rate, you will have to distrain for it, you will have dissatisfaction in the country and riots in your towns, and you will be glad to undo what you have done, and to have it forgotten as quickly as may be that you ever proposed so indefensible a scheme. My hon. Friend, too, is not a member of the Education League, while I speak to-day as a member of that body ; which, while its members differ among themselves as to whether or not the schools should be free—as to whether the Bible should be read in them or whether they should be purely secular—has always been one upon the subject of compulsion. Every one of the donors of those large sums which have been contributed to its funds, every one of those thousands of members who have joined its ranks in all the boroughs and almost all the villages of the land—all, without exception, have subscribed to, and not one has dissented from the principle of compulsion. Before, Sir, I pass to the subject of compulsion, I should like to say a few words upon the other parts of the Resolution. In my humble opinion, the exclusion of catechisms is not much of an improvement in practice, and is no improvement at all in principle. Were I a Dissenter, I should look upon it as the reverse, too, of a compliment ; for it seems to assume that the object of the Nonconformists is, not to assert a principle, but only to worry the Church of England and the Church of Rome. The Government have apparently given way, because they admit the force of the argument that it is wiser not to try and make of children controversial divines. But it is for the Churches, and not for the State, to recognize this truth. It is for the Churches to refrain from teaching their catechisms and formularies to children under 12, and not for the State to compel them to refrain. If you meddle with the character of the teaching you make yourselves responsible for it. I am not speaking under any special feeling of disappointment. The Bill, as it stands, is equally unfavourable, in my opinion, to both sides of the House, and to both parties in the country. I am not a Nonconformist; but to the Dissenters I might point out—if they did not know it far better than it is possible for me to know—that the kind of teaching to which they object will be as rife as before in the rate-built schools, but that it will, at the same time, be far more invidious in its nature. For instance, the doctrine of priestly absolution can be more easily taught upon the Gospels than in any other way, and is more likely to be taught, now that you have excluded the Church catechism from the schools, than was ever the case before. On the other hand, Churchmen on both sides of the House, who may be favourable to the denominational system, must know very well that the grant is not in much immediate danger if let alone; but that, if this Bill passes as it is, next year the proposition to increase the grant will be met by a proposal that it shall be given only on the same conditions on which you give the rates—that is, that in order to share in the grant, you should permit the exclusion of catechisms and formularies from your own Church schools. To attack the religious clauses of the Bill is, however, to attempt to kill again an already twice-slain foe; for there is no defence upon grounds of principle attempted to be made for them. You still propose to apply rates to schools in which sectarian teaching may be given—a proposal which the present Prime Minister condemned some 14 years ago. He then spoke thus—

> "But what would be the discord if, instead of voting a church rate for the purpose of giving effect to the known ecclesiastical laws of the country, you vote a rate for the support of some religion, you had not quite determined what—a religion which would be settled after the rate was voted at the next meeting of the ratepayers? . . . If I am right in believing that such discords would arise, the evil would be so intolerable that it would bring its own cure, either in throwing over the whole matter into the hands of the Committee of Council, or else in Petitions loading the Table of this House, and calling on us, in a voice not to be mistaken, to repeal so odious a law."—[3 *Hansard*, cxli. 950-1.]

It is not strange, I think, that the people should say that this is concurrent endowment, and should take the view they do of such a plan. Under an application of rates to a denominational system you are paying for religious teaching; for, how can you separate your payments, and say that the grant goes to one part of the instruction and the subscriptions to another? you are doing more than paying for religious teaching—you are paying, at one and the same time, for all possible sorts of religious and irreligious teaching; you are paying the country clergy, and you are paying Mr. Bradlaugh; you are paying people who teach that children's souls are lost if they die unbaptized; and you are paying people who teach that to baptize children is an error. Why should you do it? A great deal was made here on Thursday last of the Catholic difficulty, and I would not underrate it; but I have to say that, so far as my leading Catholic constituents represent their co-religionists, they are favourable to the last clause of the Resolution of my hon. Friend. I have taken some pains to inform myself of their views; and I can state that, while they desire to preserve the denominational system so far as it exists, they feel that, as religious differences prevent its being extended to those extreme cases of educational destitution which we have now to meet, the State may properly declare that it will step in and teach neglected children how to read and write and cipher. To the Catholics, as they well know, the education in the rate-supported schools must be secular; for, as the Bill now stands, there is no town in England, unless it be Arundel, where the Catholics will elect a member of the school Board. We have to choose, they say, between secularism and persecution.

I come now at once to that portion of the Resolution of my hon. Friend which declares that any measure of education, in order to meet our present wants or to be called national, ought to provide for general compulsory attendance. The Bill that we have before us does not do this; yet, what are the arguments of principle that can be directed against compulsion? There is only one that I have ever heard, and that is little better than a play upon the word—it is, that compulsion interferes with liberty. Of course it does. What law that we pass does not? But, does it interfere without necessity? Does it interfere in such a way as to cause harm greater than the blessings which it brings with it to the children and to the State? It interferes, remember, only with the liberty of one generation, for the first well-taught generation will need no interference. It interferes only with the wicked, who violate what are commonly called the first of the rights of the child, but what I would call the first of the duties to the State. In a despotic country, perhaps, its rules might, without any gross folly, treat education as a matter between the parent and the child. But here—where, whatever the theory of your Constitution, the honour of the country is as much in the hands of the people as in almost any Republic that as yet exists — here you cannot afford to have children brought up in ignorance. There is no such thing as a right to do harm to others; and you burlesque the name of liberty when you apply it to the forcible withholding of education by a father from a child to the degradation of the infant and the danger of the State. Such being the futility of the sole argument of principle which has been urged against compulsion, what have we to say for it? In entering upon the consideration of any proposed national system of education, we might urge that it is not fair to raise heavy taxes from the people without you can promise them that the object for which you tax them shall be secured. This you can only promise if you have compulsion. Again, you have, in my opinion, a sufficient ground for compulsion—unless you can discover strong reasons which tell the other way—in the mere fact that your statistics show that, owing to the criminal indifference of parents, thousands of children are growing up untaught, to their own misery, and to the misery, too, of all who are citizens of the same State. No one denies that this is so; and if you ask those who are best qualified to give an answer whether it would be cured by compulsion, they answer—Yes! All those who have had occasion to sound the depths of English ignorance, and, on the other hand, to look with wondering respect at the astonishing and admirable effects of universal education on the people of Central Europe, such men are aware that the wideness of the difference makes in itself a case which it is, of course, open to opponents to rebut, but which, at the least, they are bound to try to answer. But, where are our opponents? Where are they to be found? Almost every Member of this House—indeed, I know but one exception—concedes the principle of compulsion. The Government concede it in their Bill. The President of the Manchester Education Union has declared himself in favour of general compulsion. Of his rank and file, some are for direct and some for indirect compulsion; but all equally concede our principle. The Manchester Bill Committee join with the League in demanding direct compulsion. The Nonconformist bodies all give it a leading place in their memorials and Petitions. Members who sit on that side are justly proud of having passed the Factory Acts, which first gave us a measure of compulsion; and we who sit on this side not unfrequently show our jealousy of hon. Gentlemen opposite by attempting to claim a portion of their fame. I repeat, then, that the principle is conceded, and, indeed, that we have come to this condition of affairs—that each of us upon both sides is in favour of compulsion himself, but thinks that everybody else is against it. At all events, however that may be, the principle is conceded, and the only open question is one of possibility or convenience. I asked, a little while ago, what were the arguments of principle against compulsion? Now, I ask, what are the arguments of practice? One only, again, and that, too, in my humble judgment, false. That you are depriving the parent of the wages of his child is not in itself an argument; it is only a fact; and to be made into an argument requires you to go on and add that the deprivation does more harm than good—which I think few will assert, and which I, at all events, deny. You have the children and the State to consider, as well as the parent; and, as the parents elect us, we are, perhaps, more likely to err on the side of considering the individual parents too much and the children and the State too little, than we are likely to make mistakes the other way. We have to secure the State against crime; to strengthen it against vice; to steady it against ignorance. We have to protect the children of the wicked, whose natural guardians we are, against evils which, whatever they may be in degree, are in kind at least, the evils which, under slavery, the bondsman is liable to suffer at his master's hands—that by compulsion you are depriving the father of the wages of his child, I said just now, is not an argument but a fact. But, is it even a fact? Surely, if general compulsion were to become the law of the land, the wages of adult labour would undergo a rise—a rise just as sensible as that which would be caused by the emigration of several millions of people, and against a loss of wages you would be able to set off a general compensating gain. Again, it is too late for us to take the wages objection now. The Home Secretary has promised legislation during next Session, the effect of which will be that you will have compulsion applied in the case of all agricultural children who are at work, so that this Bill will apply only to those who may be said, as far as wages earning goes, to be at play. There seems, then, to be little in this argument of loss of wages, and yet it is the only argument of practice, for the cry that the country will not stand compulsion is only the same thing in other words. Either the asserted hostility of the country means a fear of loss of wages, or it must be an idle prejudice of which, in so great a matter, it does not behove the House to take account. We cannot fairly argue out this question of compulsion because the Government disarm hostility. They admit everything we say against the permissive principle in compulsion, almost before we say it. They admit the economical objections to which I have referred. They admit that, under their Bill, where the principle is most needed it will have no chance of being tried, and they admit that when it may be tried it will be tried under the most unfavourable conditions possible. What they say is—"We are for compulsion, but we are doubtful about the country." Well, but if you are favourable you ought to have put it in your Bill, and withdrawn it only when you were convinced that the country was hostile. As it is, what evidence have you that the country is hostile? If you have any I challenge you to produce it to the House. Every section of educational reformers is favourable to compulsion; every meeting, not only in the great towns, but in towns of all sizes, pronounces in favour of compulsion. The clergy report in favour of compulsion. Your Inspectors report in favour of compulsion. At a meeting of the clergy of one diocese in the South of England, held in the Bishop's Palace, a resolution in favour of direct compulsion was carried by an immense majority, the Bishop voting for the resolution. Can you point to any single fact upon the other side? I know that I shall be told that if I believe that so large a portion of the people are favourable to compulsion I may trust them to apply it, as they have power to do under the Permissive Clauses of this Bill. I do trust them to apply it in the towns; but in the country, where the labourer is ignorant and the farmer interested, you will not obtain compulsion under the Permissive Clause; and yet it is the country districts, even more, if possible, than the towns, that need compulsion. The right hon. Gentleman the Vice President of the Council has several times quoted American opinions in this House. Does he know what America thinks of the permissive character of his Bill? *The Tribune* says of it that it—

> "Provides that one class of peasants shall pay for the public schooling of their children, while another shall receive free tickets; that education shall be voluntary in one district and compulsory in another; and that the majority in school Boards shall establish what denominational schools they please. The American judgment of this multiform Bill would be more sweeping, perhaps, than in all respects accurate. We should be inclined to say that a measure which compels one neighbour, and permits another, which maintains the old distinction between rich and poor in the matter of public education, and which invites to sectarian feud, is calculated to defeat itself."

Let me ask of you, why did you insert compulsion in your Bill? Either because those who ask for it are right, or because they are strong. Good; but why then insert it in such a way as not to satisfy its friends, if your object was to conciliate the strong; and not to satisfy yourselves, if you meant your action as a concession to your own sense of what was expedient and right. If you are really for compulsion, you cannot be satisfied with what you have done. If this Bill passes with permissive compulsion in it, it will pass only after a Division on this Resolution, and another Division on the third reading, in which every Member who is for compulsion, and who is free to vote as he thinks fit, will have delivered his vote against the Bill. It will, when passed, bring into discredit, and into an unpopularity from which it will never escape, the very principle which you profess to approve. I repeat—if you are favourable to compulsion—you cannot be satisfied with what you have done. I will go further, and will say—if you are for national education; for common school education such as that which exists in America; for education even such as that you have in Germany—are you satisfied with your work? This Bill, is it a national measure such as the country demanded at your hands? You have not called it a national education measure in its title—is it one in fact?

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds," — (*Mr. Henry Richard,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GATHORNE HARDY: Sir, the speech addressed to the House by the hon. Member for Merthyr Tydvil (Mr. H. Richard) was one in which there was so much that I agree with that I shall have to explain why I do not arrive at the same conclusion with the hon. Gentleman. He spoke, as I understood, with great praise of the voluntary efforts made in the country hitherto, but his object is by degrees to get rid of that system that now exists; for his whole argument was addressed not against an increase of denominational grants, but for grants simply to secular schools, leaving religious teaching to voluntary efforts. He wished to exclude from schools supported by the State in any way all religious instruction whatever, and he presumes better religious instruction will be given under such a system than exists at present. Now, in that argument I think he entirely fails. It seems to me that whether you take the religious or other instruction, it is by no means such as we should wish to see, but it is an approach to it, and the remedy seems to me, not to destroy what exists, but to improve it. Now, it is somewhat remarkable that the Amendment of the hon. Member for Merthyr Tydvil is not, indeed, addressed to the Bill before the House, because, in fact, it is addressed to something stated by the right hon. Gentleman at the head of the Government the other night, and which we think ought to be in the Bill. The hon. Member says he moves at the end of the Question to insert the words "the Grants to existing denominational schools should not be increased;" but that is not proposed in the Bill, and, therefore, the Amendment as an Amendment to this Bill seems out of place. But the hon. Member goes on to say—

> "That, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort."

What religious instruction? He assumes there must be religious instruction; he admits that no school would be worth anything without religious instruction; but he assumes where there has been religious instruction day by day—where any school existed in any part of the country where the clergy attended, it might not be brought to perfection, but if it were attended to only on Sundays it would be brought to perfection. There are three parties to be considered. There is the parent, the State, and the Church. I think the first duty of the State is to instruct in religion as well as in secular knowledge. But having to address a House composed of men of every religious faith, and no longer of that unity which once existed within it, it would be useless to insist that they should as a State teach religion, for if they decided to teach such a religion as they could agree to impose, nothing would be more hostile to my view. Nay, I go further, and say that nothing can be more absurd and monstrous than that which the hon. and learned Member for Oxford (Mr. Vernon Harcourt) told us the other night might so easily be done. No doubt the hon. Member is a man of great talent, but I think I could give him a few texts of which he would find it difficult to give an unsectarian interpretation. As I understood, the right hon. Gentleman at the head of the Government the other night, the object of the State aid proposed to be granted to the voluntary schools, whether by rate or by Parliamentary Grant, was not to cover the religious instruction in these schools, but only to cover the secular instruction —the State was not to meddle with religion at all, and the funds of the Exchequer would be dispensed solely for secular results. If that be so, then the hon. Member for Merthyr Tydvil has already obtained all that he desires, because, so far as the State is concerned, nothing will be paid for the purposes of religious instruction. If we look to the history of this question of education we shall find how much the friends of religious education have conceded by way of compromise, and what claim they have to the Government protection. In the establishment of the present system a compact was entered into between the State and the religious bodies in regard to the denominational instruction they gave. You are about, for the first time, to start new schools, and those schools will, in many cases, be rivals to the old ones that were set up on the faith of continued Government aid, and it is your duty to secure a fair and equal contest between the existing schools and those which are about to be called into existence. Originally, the work of education was carried on mainly—no doubt there were also parochial schools — by two great societies — the National Society and the British and Foreign School Society. When the Government began to appreciate its great duty in the matter it treated the matter as a religious duty, and it addressed itself to those two societies to be the almoners of the bounty of the State, for through them and them only were the first grants made. In the Minutes of 1839 it was declared that the Committee of Council would not, except under special circumstances, entertain the cases of schools not connected with either of those societies. The Government treated those two societies as the representatives of Church and Dissent, and it is a remarkable fact that though the British and Foreign School Society sets itself up, and is held by its supporters and by the noble Earl (Earl Russell), who is its president, to be an unsectarian institution, yet I find that at a meeting in Birmingham it was bitterly denounced as a sectarian institution and as refusing to alter its regulations when its sectarianism was pointed out. I think, therefore, that these two bodies may be treated as having been adopted, the one by the Church and the other by the Dissenters. Lord Russell himself, in 1846, in bringing forward the Minute of Education, stated that it was the desire of Her Majesty that the youth of the country should be religiously educated, and that the rights of conscience should be respected. That was the foundation of the Bill as originally announced by the right hon. Gentleman opposite. And what has been the effect of this statement? In 1847 a pamphlet was published called *The School in its Relations to the State, the Church, and the Congregation*, the author of which, I understand, is Sir James Kay Shuttleworth, to whose exertions is due much of the progress we have made in education. The whole argument of that pamphlet was that an inseparable element of the organization of a congregation was a school. I know that no active, energetic, and high-minded clergyman would deem his parish to be in a satisfactory state if he had not a school in connection with his congregation, and if he did not teach the same truths to the children on week days as he did to the adults on Sundays. The hon. Member for Merthyr spoke as if some efficient method existed of getting hold of the children on Sundays in order to instruct them in religion. But that is not the case. Mr. Tremenheere shows in his Report on American Schools, that not one-half of the children who attend the secular day-schools attend the Sunday-schools or receive any religious instruction at all. Why, I would ask, is this scheme now brought forward? Is it because the parents are so anxious to educate their children, or because the children are so ready to seek instruction? No; it is because the parents are neglectful of their duty. That is the reason we are now talking of compulsory education, and do you suppose they will seek specially for that instruction which is, perhaps, the most distasteful to them? While you hold meetings in order to ascertain why the working men will not attend church or chapel, you think they will all send their children to the Sunday schools. On the faith of the statements to which I have referred efforts have been made by the clergy, who supposed they had obtained a moral right to the assistance and countenance of the State, and if the grant were to be increased to others it ought also to be increased to them. I take, by way of illustration, a letter I have received from a clergyman who has been in Orders for a long time. He says—

> "Thirty years ago I completed two school-rooms for 300 children; 25 years back I erected three rooms for boys, girls, and infants—300—with teacher's residence; in 1850, two others, with master's house, for 400; in 1867, three others, with teacher's house, for 500. I have no hesitation in saying that none of these would have been erected without my exertions. I have have contributed to the whole more than £2,000. I have done this in good faith, trusting that the school deeds would never be violated."

In these cases religious instruction was given under the clergyman, and the managers were communicants. That gentleman has shown his zeal in the cause of education wherever he has gone. It would not be agreeable to him that I should mention his name, but he is an example of thousands of clergymen who take the deepest interest in these schools. Now, it is most important, not only that these schools should be maintained on the principle on which they were founded, and receive assistance from the State, but that they should not be sapped and put down by the establishment of rival schools. There ought to be a distinct understanding that the great efforts which have been made should be respected by the State, and that the State should do all it could to maintain the edifice it has helped to rear. There is nowhere more distinctive religious teaching given than in the schools of the Wesleyans, and it is to be remarked that the hon. Member for Leeds (Mr. Baines), after having read his recantation of the sentiments quoted by the hon. Member for Merthyr Tydvil, has stated that he is now prepared to accept educational grants from the State, but not on the condition of giving up religious instruction in the schools. And what was it that we wanted? It was full freedom of religious instruction. We demanded that every Church which had founded schools should be at liberty to teach their catechisms and creeds without anybody saying—"You are teaching more than you have a right to teach." For a long time, I must confess—for I, too, have a confession to make as well as the hon. Member for Leeds—I objected to the Conscience Clause. I objected, and I still object, to insisting upon Conscience Clauses being introduced into deeds which bind the schools for ever. In many instances the founders of these would find a sufficient number of their co-religionists to support them, in which event it would, of course, be unnecessary to bring in a Conscience Clause. In addition to that, although I do not mean to say there may not have been exceptional cases, I say there was no real religious oppression, as has been stated. Even in Wales, in places where there are both Church schools and British and Foreign schools, the preference is given to the former by large numbers of Dissenters. Indeed, in some instances, Baptist and Independent ministers have given the preference to the Church schools. It is obvious that they would not do so if they believed their children would be improperly interfered with, but in point of fact the people made no complaints of any such interference. I venture to assert, with great respect to those who are agitating the religious difficulty, that the difficulty is one which has not sprung from the people themselves. It is a grievance which has gone down from London into the country, and which would never have struck the minds of the people, unless they had been told by those having authority over them that they ought to raise the question. When this Bill was brought in there was a Conscience Clause of a kind to which I could take no exception because I was willing that children of all denominations should be taken into schools which had room for them, and that the parents should have the same freedom of withdrawal from religious instruction as the teacher had to give that instruction. When the compact was made between Earl Russell and the Bishops of the Church in 1847, there was one point they held out for as being of the utmost importance—namely, denominational inspection. That was the point in regard to which the negotiations were most protracted. Everybody can perceive the advantage of an Inspector inquiring into the whole instruction given in a school, and as to the question of additional expense it is hardly worth while putting forward. But as the State is now desirous only to produce secular results, we said we could not now ask that the Inspectors should inquire into the religious education given in the schools. This is in itself a considerable concession, and our readiness to yield on this point is a proof of the sincerity of those who sit on this side of the House. The first alteration of the Conscience Clause by the Government was made rather hurriedly, upon the suggestion of a single Member. The hon. Member for Sheffield (Mr. Mundella) threw out a hint that a Time Table Conscience Clause was capable of adoption. If, however, we are to have a Conscience Clause with a time table, to which I do not myself assent, that is not a thing to be fixed by the Government or severed from the other rules of the schools, but it must be published by the managers and made manifest to everybody in each school. Then there are classes as well as schools, and you must not leave the teaching of religion to monitors and young pupil-teachers. Such teaching must be going on at different times on different days in order to suit the different classes. Then, on all those occasions there ought to be other classes going on in order that there might be no escape from the school on the ground of religious objection, for that would be the very way to create a large number of unsectarian boys. There is another very important alteration of which I have to complain. There was originally given a very short time, as I deemed it, which was called the year of grace, but now the Government have left this out, and inserted, instead, the word "forthwith." Schools are now to be erected on the authority of the Vice President, not a year after they are said to be needed, but forthwith, thus arming the Government authority with an enormous power, and it is to be exercised without appeal. I confess I hardly know what "forthwith" means in this instance. We ought to know how long we have. But why is it necessary to be so expeditious? And I want to ask the right hon. Gentleman this question, a difficult one with school managers,—Where is it proposed to get teachers? We have at present many schools which would be more efficient if more efficient teachers could be paid and obtained. I know what excessive difficulty many managers have in finding fitting persons to take charge of their schools. The right hon. Gentleman says—"Forthwith." Take the case of a poor school, in a place where there is no resident squire, and nobody but the clergyman keeps it up; he hears with delight that there is to be an increase of the grant, and he thinks he shall be able to provide a certificated master, and so earn the grant; but he must do it forthwith; there is to be no time given him to go among his friends. You drive the supporters of the schools at once to the rates, and whatever the hon. Member for Chelsea (Sir Charles Dilke) may think, rates are not extremely popular either in town or in the country. Under the right hon. Gentleman at the head of the Poor Law Board, and also under myself, they have grown so as to alarm not only shopkeepers and the poor, but also the occupiers of the largest houses. Therefore do not let it be supposed that everybody wishes to rush into rates. Believing as I do that voluntary schools are better than rate-aided schools, and will answer all your purposes, I am anxious that you should give full time to allow these schools to be set up. I believe that would be in conformity with the real wishes of the people, and that it would effect the object you have in view. The hon. Member for Merthyr Tydvil (Mr. Richard) spoke of public opinion; public opinion is not always indicated by noise; it is shown by acts as well as by words. A foreigner coming to England might infer that the League was a great educational institution; but he would find that its fund of £50,000 is subscribed to put down existing systems of education, by what was described at the meeting the other day at Birmingham, as a "process of slow and painless extinction." It is the object of the League to get rid of denominational schools altogether and to get rid of all religious teaching in schools. This was avowed in the debate on the second reading of the Bill; and hon. Members may say what they please about non-sectarian education, this will be the result of adopting the Amendment. They graciously say they will allow you to have the Bible read, if you really wish it; but you must read it without a word of explanation. Valuable as the Bible is to a man who is instructed—valuable as many parts of it may be even to a child of 10 or 11 without instruction—you cannot go far without coming to points which require and demand explanation, and which lead to misconception if not explained. To talk of merely reading the Bible is religiously a sham. The reading of the Bible alone as a process of education has never in any country answered its purpose. The hon. Member for Oxford speaks of this as a non-sectarian system. To-day I happened to take up a pamphlet written by a very intelligent man, the Rev. William Fraser, who was employed by the Presbyterian Churches of Glasgow to examine into the three systems of England, Scotland, and Ireland, and who also made some inquiries with reference to America. I am far from agreeing with the hon. Member for Merthyr Tydvil as to Prussia and America; and what he said about services in graveyards in Prussia would apply to Scotland, for it used to be the practice with the Presbyterians, and even with Nonconformists generally, to have the service performed away from the church; and, therefore, the test which the hon. Member applied is not a fair one. Listen to what Mr. Fraser says of the operation in New York of the enlightened system which hon. Members would introduce into England—

> "Every book, even the Bible, was banished; every sentiment to which the Romanist objected was expunged whenever demanded. Religious instruction and prayer were in many cases altogether forbidden; teachers were threatened with dismissal, and actually dismissed, for the crime of using the Lord's Prayer, and nothing remained save the narrowest Deism."

That was in a place in which the rule was that education should be religious without being sectarian, the first book banished as a sectarian book is the Bible itself. With respect to the year of grace I feel strongly. I do not believe it is of the least use to adopt the expression "forthwith." What is wanted is that the deficiencies of education should be supplied. It is admitted that denominational schools have done a good work; it is admitted that, by better support and inspection, they may be improved; and yet it is proposed to say that no more shall be founded, and that nothing more shall be given to them than is given to rate-aided schools—that is to say, one-half of the cost of instruction instead of one-third. I want to know what guarantee do I get, in giving my assent to the Bill, that what the right hon. Gentleman at the head of the Government promises will be carried out? I rely with implicit confidence on the statement of his intention, and also on the intention of the right hon. Gentleman at the head of the Education Department. But how can I tell what future Vice Presidents of the Council of Education may do? The grants must be embodied in the Estimates, which it is in the power of the Ministry to cut down; and although it is true you may vote Want of Confidence by Resolutions, every rate-aided school is in the meantime protected by legislation. Why should we, who have founded 15,530 voluntary schools, and who want to make them more efficient, be deprived, as if we had done something wrong, of this legislative sanction which you give to schools that are not yet in existence? Surely it would not be more difficult in the Bill than in a Revised Code to lay down the principle of a grant, or of charges on the Consolidated Fund. The Revised Code affords no security for the grant next year, because it is subject to re-revision; and it is in the power of the Department to make it disagreeable to those who have not found it over agreeable hitherto. I want to know how the additional grant to voluntary schools is to be paid—whether by an increased capitation grant or by addition to the payments for secular results. At present we get 4*s.* for each scholar, and for those who have attended 200 times 8*s.*, subject to examination—that is, 2*s.* 8*d.* for each of the three branches of reading, writing, and arithmetic. On what terms are we to get the additional grant? Is there to be any condition that the grant must not equal the schoolpence and the subscriptions? The fact is the grant scarcely ever comes up to the other sources of income now. A Committee of Convocation, who went very fully into the matter, ascertained that about 18*s.* 6*d.* is raised by schoolpence and subscriptions, for 8*s.* 6*d.* received from the State. What we want to secure is an increased attendance at the schools; that alone would tend to produce better results on examination; and I cannot but think it would be better to give the increase for attendance rather than for results. It is said the effects of what the Government propose will be to create a race for the schools among the sects. That is exactly what I want to see. I want to see this race among the religious bodies for the schools; and if it had not been for the step taken some time back by the right hon. Gentleman then in the position of Vice President of the Council, I believe that this Bill would have been unnecessary, or nearly so. The promotion of schools by voluntary effort was progressing at six times the rate of the increase in the population. But what has been the result of the Revised Code? Sir James Kay Shuttleworth said—

> "The Revised Code has constructed nothing; it has only pulled down. It has not simplified the administration. It does not pretend to accelerate the building of schools or to improve their structure. It has not promoted the more rapid diffusion of annual grants and inspection to the apathetic parts of cities or the founding of chools in small parishes and for the sparse population of rural districts. It has generally discouraged all instruction above the elements and failed in teaching them. It has disorganized and threatens to destroy the whole system of training teachers and providing an efficient machinery of instruction for schools. These ruins are its only monuments. It has not succeeded in being efficient, but it is not even cheap, for it wastes the public money without producing the results which were declared to be its main object."

That is what has been done by the Revised Code. I say, then, do something to start again into effectual action that vigorous and almost spontaneous effort which was going on until it was checked by the Revised Code. Give us a supply of teachers, for there is nothing in the Bill to provide a supply of teachers adequate for the occasion within five or six years. With respect to the rate-aided schools, I must say that I am astonished, after what has fallen from the right hon. Gentleman at the head of the Government with respect to what he called unsectarian education, that he could adopt the Amendment of the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), which is not the Amendment of the National Union, but simply a personal Amendment proposed by himself. You are now about to do away with the whole protection of creeds and formularies, and you are going to give to the schoolmaster unlimited power of teaching whatever he pleases. Of all people the schoolmaster is the last who ought to be intrusted with such power. The hon. Member for Merthyr Tydvil has talked about extreme doctrines rising up in the Church; but at all events the Church of England has a creed and formulary, to which appeal can be made, if anyone is teaching contrary to them. Nevertheless, you are going to give the schoolmaster power to teach any religion without checks, except the check of dismissal by the school Board; and, by allowing this intervention on the part of the school Board, you are giving rise to the very controversy which you say you are anxious to avoid. The only way out of this difficulty is, I quite admit, freedom of religious teaching or no religious teaching at all. Religious teaching in some form is what you say you desire. I think you should have freedom of religious teaching in a form that is acceptable to those who have to do with the schools; and the only way of having that is that the managers should appoint a schoolmaster, knowing what he is, and that he should teach what he believes. If he were told to qualify and limit the statements he makes by the doctrine of some one else, it would end by his teaching nothing at all. The teaching would degenerate into unsectarian teaching, as it is called, which is practically sectarian to some one or other, and then some would object, and so it comes to secular teaching. Let me observe that it has been tried and failed. Mr. Fraser, whom I have already quoted, says—

> "Limited and well-guarded compromise has invariably become unlimited concession. Never were the results of experiment distincter or more decisive. In Ireland, Upper Canada, Prince Edward's Island, in the State of New York—wherever, in short, the theory has been tested it has broken up. There does not appear to be any resting place between a system purely secular and a system soundly Scriptural. The public school must be pervaded by a coldly negative Deism or have a recognized doctrinal standard."

The hon. Member for Merthyr Tydvil says that such a plan affronts the conscience of Nonconformists. Now, I should be a Nonconformist in Scotland, but it would not affront my conscience to know that the schools there taught the Presbyterian religion in all its strength. When objection is taken to voting public money for strictly denominational teaching, I ask you whether you are going to leave prisons, workhouses, and reformatories without religious instruction? Have you ever tried to reform criminals by means of secular schools. Could you deal at all effectually with crime in any way except by means of religious influence? Then why not, by the same means, attempt to prevent vice? You also vote money to provide Presbyterian, Roman Catholic, and Church of England chaplains for the Army and Navy; and you do so in order to assist the officers in maintaining discipline, and to secure good morals as far as you can; and then, when it is proposed to prevent by religious teaching children falling into vice and crime, you say your conscience is offended unless the instruction is given in your own schools. If you do prohibit the special teaching of religion in the schools, you discredit religion, you practically put it in the background; and the children knew that very well. The children in Rhode Island and in New York are not so well instructed as many persons suppose, for crime is increasing, and there is scarcely a schoolmaster who teaches manners and morals. Religion ought to be taught, and if taught, it must be taught in a definite form. There are various systems of medicine—there is allopathy, homœopathy, and hydropathy; but, before establishing hospitals, you do not set yourselves to reconcile these systems. On the contrary, you allow each to proceed on its own definite and separate method. Dr. Chalmers has been referred to as being in favour of secular instruction, but what did he say with respect to religious teaching? He said—

> "'Knowledge,' it is said, 'is power;' and if knowledge is associated with religion, it becomes a power for the virtuous and the good, and tells, with the best and most beneficent influence, on the well-being of society. But if knowledge be dissociated from religion this destroys, not the truth of the maxim that 'knowledge is power," but that it is power emancipated from the restraints of principle; and such a power let loose on society, like the deep policy of an artful tyrant, or the military science of a reckless conqueror, would have only the effect to enslave and destroy. Yes, gentlemen, we mean to have our schools; but we mean in the economy of these schools to abide by the good old ways of our forefathers. We mean to have the Bible the regular and daily school book; we mean to have the Catechism for a regular and daily school exercise; and these shall be taught openly and fearlessly, not dealt with as contraband articles; not smuggled into a mere hole or corner of our establishment; not mended or mutilated by human minds, that the message of the Eternal may be shaped to the taste and prejudices of men; not confined to the odd days of the week, or made to skulk from observation into a by-room, lest the priests of an intolerant faith should be offended. No, gentlemen, we will place the Word of God in the fore-front of our system of education, and we will render it the unequivocal, the public, the conspicuous object that is becoming a Christian and Protestant nation."

I complain of what the right hon. Gentleman has done with regard to the new schools in another way. He told us, and in this he has been confirmed by the hon. and learned Member for Oxford, that the nation has distinctly pronounced in favour of religious education. Why, then, are you going to leave it to anybody to say whether the great State-aided schools shall have any conflict upon that matter at all? Why are you not to say that the Bible shall go into those schools in all cases, and that it shall be taught according as the school Boards may think proper. That would be an intelligible principle upon which you might fairly act. It would be giving to the public a voice to which I should not object, although I may object to the mode in which the school Boards are to be elected. I hold that neither Town Councils nor Vestries are proper authorities to elect school Boards. If school Boards are to be elected at all, they should be elected directly by those who have to pay for the schools, or who are to be benefited by them—namely, the ratepayers. I think that the ratepayers may very fairly vote in the way they have voted under the Poor Law system. Let the ratepayers vote freely, and all of them. The lower classes, no doubt, would be the great majority; but they would not be the great ratepayers. It seems to me that there should be a means of obtaining a mixed constituency, and that may be done by following the old mode of Poor Law voting. That, however, is not a question upon which I need now dwell. The hon. Baronet the Member for Chelsea tells us that it is necessary for his purpose that there should be absolute compulsion with respect to these schools; and he dwelt upon that point as one which had been omitted by the hon. Member for Merthyr Tydvil. With respect to the principle of compulsion, as I understand it, it is absolutely to cease as to the consciences of men and as to the consciences of children. If there is to be no compulsion in the schools to be put upon the consciences of the children, then, what the right hon. Gentleman said with respect to what he called "sectarian schools" falls to the ground. I might think it hard to have my child sent to a secular school, as other persons think it hard that their children should be compelled to attend religious schools. I do not see any difference between the two classes of objectors. With respect to the principle of compulsion itself, it is only to be adopted, at present, when school Boards think proper to do so. One thing is perfectly clear — namely, that the ground for this Bill is, that there is a deficiency in the quality and the quantity of education. Well, it is obvious that you cannot compel children with any reason or justice to go to schools which are non-efficient or to schools where there is no room for them. Therefore, compulsion is a thing which remains some distance from us at present. But, if there is to be compulsion at all, I must say that to make it apply to one part of the country only and not to another seems to me to be unreasonable. When any controversy arose, one party would say—"Look at our attendance, see how many children we have in our schools," and the excuse of the other party would be that they had not the same power given to them as was given to rate-aided schools; because, not having the same number of children, they did not receive the same amount of assistance as was given to the other schools. Then, again, what is meant by direct compulsion? Take the case of the Roman Catholic child, ordered to a secular school, who says that the priest has told his father that he must not attend such a school. What are you to say in such a case? You know perfectly well that the priests of the Roman Catholic Church have taken such a course, and that they will do so again. Can you fine the father? If not, what are you to do? What is to be your punishment? Are you to exclude the child altogether from every instruction? It is, therefore, impossible that you can apply the principle of compulsion generally. You say they must attend at certain times of the year, but at what period of the year are they to attend? If you select any particular period, the child may be prevented from attending by illness or by other unavoidable causes. Without saying that it is altogether un-English, I may say that direct compulsion is certainly novel, while in its indirect form compulsion is not new. I believe that in the latter form it may be rendered more efficient and general than it is at present. I have occupied the House upon this subject much longer than I had intended, but I have been anxious to do what in my conscience I could fairly do to assist the Government in passing this Bill, and even now my course is so perfectly clear upon the Amendment of the hon. Member for Merthyr Tydvil, that I shall be ready to do anything I can to defeat a proposal of the kind and to get into Committee upon the Bill. Still, I am not satisfied with the measure as it now stands. Concession has been altogether on one side. Those who are already in possession of the education of the country have been ready to give up two great points, and what has been the result of this readiness on their part to meet the wishes of those opposed to them? Why, advantage has been taken of their disposition to accept the Conscience Clause first proposed by the Government to possess a new one which interferes not only with religious education, but also with the secular management of the schools by the Government fixing a time table of their own. I also object strongly to curtailing the year of grace — indeed, I think it necessary and only fair that the year of grace should be enlarged. I object altogether to taking steps too hastily in relation to a great measure like this. [*Ironical cheers.*] I quite understand the cheer of those hon. Members opposite who wish to decry all agitation in school Boards and elsewhere. They seem to think that it is a pity they should not spend £50,000 in the course of the autumn. I can suggest a mode by which they may spend their money and test their principles at the same time. Let them do that which they have never yet done — let them found some secular schools of their own; nobody interferes with them; and the only stop that was in their way has been taken away by this Bill, because under it they will be enabled to receive the Government grant, which, not being religious schools, they could not formerly have done. That is a fair offer, and we are ready to fight that battle. We say we want a complete education and that you only offer us a portion. You point to no past, we point to a great past. We point to the beginning of the present century, when there were very few schools—since 1855 they have increased greatly, and they now number 15,500 altogether—and I ask—" What do you show with all your agitation but words and theories?" We show you facts, and we tell you not on the authority of the Bishop of Manchester only, high as it unquestionably is, but on the authority of Dissenting ministers and of every school teacher in the country, that this religious difficulty, which you have magnified, in the denominational schools ceases to exist. That there is no such difficulty in the teaching—the children are young, and their minds are impressed by simple truths, but they must be taught what the people consider truths. [*Cheers.*] But I am not prepared to take those unsectarian truths which I suppose the hon. Gentleman opposite is cheering. We demand justice from the State; we say—" You have entered into a compact with us—a moral and religious compact —which you are bound to fulfil." We ask you to maintain our schools in their integrity, and not to undermine them by taking away what is only due to us —the time necessary to fill up gaps. The right hon. Gentleman said that the Bill was intended to supplement gaps in the existing educational system, and that it was not intended that it should inaugurate a great scheme of national education. The right hon. Gentleman admits, therefore, that the existing system has filled up all but gaps. Well, then, take what steps you think fit for the purpose of filling up those gaps, but in doing so do not destroy the hearty, the religious, the energetic earnestness of those who have given you what you now possess—that which has risen to such a height that there are many who want to seize it, and which will, by improved inspection and by growing intelligence, in time fill up of itself all gaps, and which will make all your people, as far as any human power can make them, subject to the Divine power which they invoke to assist them, to become not merely scholars in the three R's, but Christian men and women.

MR. MELLY said, he was anxious to state the reasons which led him to believe that the Bill of Her Majesty's Government would not solve the question before the country, and which, at the same time, would prevent him from going into the Lobby with the hon. Member for Merthyr Tydvil (Mr. H. Richard). It was with feelings of the deepest grief and mortification that he found himself compelled to condemn the Bill of the Government. He confessed that he believed in the religious difficulty which the right hon. Gentleman had said did not exist in the country, and he felt that the Bill of Her Majesty's Government had failed to solve the question. They had waited year after year for a great scheme of national education, and they objected when the Bill was explained on the second reading to that matter being left to the discretion of school Boards. The speech of the right hon. Gentleman at the head of the Government fully justified the hon. Member for Birmingham (Mr. Dixon) in the step he took. They were now told, when they asked for the general scheme of education which the right hon. Gentleman was pledged to give to the country, that there was to be a competition between the two sets of schools.

The First Minister of the Crown came down the other night with a perfectly new Bill. Five points were included in that change—first, that there was to be no special creed in the new schools; secondly, that the tie was to be severed between the existing schools and the school Board; thirdly, that there was to be an increased grant from the Privy Council; fourthly, that there were to be no more building grants; and fifthly, that the year of grace was to be abolished. Of all these propositions he thought the abolition of the year of grace was the brightest spot on the dark cloud of speech uttered on Thursday by the right hon. Gentleman; the only streak of light in the darkness. There were two parties to the compact—namely, the Church of England and undenominationalists of all denominations. But in the Church of England herself, there were two parties, one of which wished to join the other denominations in this matter of elementary education even at the price of dropping some of its denominationalism. Their measure in its new form was a premium on sectarian divisions, a new incentive to denominational differences. The right hon. Gentleman (Mr. Gathorne Hardy) spoke of waves of thought; he (Mr. Melly) thought the tide was running strongly towards greater liberality and freedom in religious matters. He would review the changes. The first concession of the Government was no concession at all; there was hardly a place where a school would be built out of rates in which a distinct creed or formulary would be taught. He was glad an increased grant was to be given for education. Not giving any more building grants was rather an injury to the undenominational party—because, whereas the denominationalists had received grants in aid of building all the schools they had far so far required, all the rate-founded schools had yet to be erected. With regard to the second point—the severance of the tie between existing schools and the local Boards—he regretted it, because he believed the Amendments to which he had referred would have proved the means of bringing many of the existing denominational schools into the national system. That was the object of the Bill in the first instance, and he deeply regretted that Her Majesty's Government should in so rash and ill-considered a manner have given up the one point of all others which year by year would have helped to bring the whole of England under one system. They had "severed the tie." Little children were reproved when they cut the string instead of untying the knot, and informed that their conduct was wasteful and impetuous. He admitted that the Government were in considerable difficulty, but at the same time he doubted the policy of severing the existing schools from the school Board. He had had much correspondence with clergymen on the point, and he knew how much they sacrificed when they consented, for the sake of forming a great system of elementary education, to sacrifice the peculiar teaching of the Church, but hundreds were, he believed, ready to do it. He must censure the rash and inconsiderate proceeding, and would quote the evidence of Mr. Lingen, Mr. Fitch, and the last Report of the National Society just published. Mr. Lingen says they are, in the proportion of 15·49 to 1·25, the proprietary schools of the religious denominations. Mr. Fitch, in his inquiry into the educational condition of Birmingham and Leeds, instituted in consequence of his (Mr. Melly's) Motion of the 12th of March, 1869, says—

> "With the single exception of the Unitarians, every religious body which maintains a school does so with the obvious purpose of strengthening its sectarian influence, and regards the school as an instrument for bringing children to the church and chapel."

The National Society, which was ever ready to oppose every scheme which it had not originated, hoisted this flag—

> "The duty of the National Society now, as in preceding crises, is to adhere to its charter and to be true to its principles. The society was formed to promote definite education based on the doctrines of the Church. At this moment it has a further special call, to protect the 13,000 schools which it has been the instrument of calling into existence, most of which it has helped to build, and the 1,500,000 of scholars, whom through those schools, it has incorporated with itself."

Bitter sectarianism was thus to be forced by that society at a cost of £15,000 a year upon these 13,000 schools. No such separations are for the good of any children. The Bill should offer inducements to shake off these trammels rather than aid in riveting the chains. Under the old Bill he had hoped the local Boards would have been given power to go to voluntary schools and offer them 7*s.* 6*d.* per annum per child on condition that they would give up any peculiar theological teaching. He had strong hope that if this were done the result would be satisfactory, for there were thousands of members of the Church of England, as well as of many other denominations, who were willing to give up their distinctive formularies, and join in carrying out a great system of national education founded on the Bible. To him this had always appeared the crucial point of the Bill. There were now 13,000 schools, educating 1,163,368 scholars; and there were vacancies for 759,072. He wished to point out the fact that the mode in which the Bill dealt with existing schools was more important than the mode in which it dealt with schools not yet brought into existence. He proposed that the Amendment of the hon. Member for Birmingham (Mr. Dixon) should be accepted on Clause 14; that there should be a re-insertion of Clause 22, with the Amendment of the hon. Member for Manchester, similar to that on Clause 14. He should, to-night, place a Notice on the Paper of the House to re-insert those provisions. There were now 194,000 persons managing or subscribing to these schools. They were the persons who cared most for education—had the largest experience in their management, which would have been invaluable in starting the new schools. They were the best landlords; and the rectors and curates and ministers of all denominations who attached the greatest value to the compulsory clauses, the agents who could best have enforced it. To these persons in every parish the Government had said —"Stick to your own school; snap your fingers at your neighbours; stand clear from the local Board, and here is 15*s.* a child for the continuance of your denominational school. Tell your tenants or congregations no one will feel the pressure of £250,000 on the national Exchequer, and we save you 3*d.* in the pound in your parish rates, so we will keep our strictly denominational character." What did the Bill say to the ratepayers—"You had better not elect any existing school manager on your local Board. True, he would be the best man, but he cannot co-operate; he shall be your rival, and we have handicapped him to win in the race to which the right hon. Gentleman (Mr. Gathorne Hardy) looks forward with so warm an interest." He quoted a protest against the Government Bill signed by many clergymen in Nottingham and Leicester who stated it as the result of their experience that it was quite possible to give undenominational religious instruction to children in school, more particularly out of the historical books of the Old Testament and the Gospel narratives of the New, which was just such religious instruction as parents among the wealthier classes were in the habit of giving to their children. There could be no compulsion where there was no school Board; and the whole effect of the change in the Bill would be to render school Boards less numerous and less influential. He altogether failed to see the advantage of the change. But there were higher interests at stake even than these. There were two parties in the Church of England, and by this change the Government was playing into the hands of that extreme section with whom creeds and formularies appeared to be the beginning and end of all religion. There was a section who believed that all who disagreed with them were irretrievably wrong; but there was a large and ever increasing party anxious to break down walls of separation, to make the Church of England really national; above all, to join the Nonconformists in the great work of elementary education. He wished to co-operate with this vast section of the Christian Church. He was no secularist. In educational matters he had not yet come to Mr. Cobden's position—

> "I confess," said Mr. Cobden, "that for 15 years my efforts in education, and my hopes of success in establishing a system of national education, have always been associated with the idea of coupling the education of this country with the religious communities which exist. But I have found, after trying it, as I think, in every possible shape, such insuperable difficulties in consequence of the religious discordances of this country, that I have taken refuge in this, which is called the remote haven of refuge for the educationists—the secular system—in sheer despair of carrying out any system in connection with religion."

He (Mr. Melly) did not yet despair. They were there to carry a Bill in accordance with the wishes of the people. The secular system was, he believed, repugnant to a very large majority of the people of this country. But he might be asked what was undenominational elementary school teaching? He believed the prevailing tone of the public mind was an impatience of the creeds and formularies of man, and very great love and affection for the words, and a determination that children should be educated in the teaching, of Holy Writ. Unsectarian religious teaching he would describe in three sentences, and he did not forget he was speaking of the week-day religious instruction of children under 12 years of age. He would say—"Be honest, industrious, and true. Little children, love one another. Do unto others as you would they should do unto you; and all this as following the commands of your Lord and Master, and in the love and fear of an all-seeing, an omnipresent Creator." As his hon. and learned Friend near him (Sir Roundell Palmer) said, he did not want to make these infants into controversial divines. Applied to such children, denominational teaching was but the hard assertion of a dogma. Such babes could not understand arguments which puzzled the wisest men. The form in which it was taught was too often more simple and forcible. "This was the only form of truth." Too often adding the, to him, impious assertion, when made by fallible man, or even by an infallible Pontiff—"this was the Catholic faith, which except a man believe faithfully he cannot be saved;" or to put it more practically, "everyone who went to Church would be saved, and everyone who went to chapel must be lost." But the Prime Minister said their proposition of unsectarian and undenominational education was illogical. Many things were illogical which were eminently practicable and useful. Where there was a will there was a way. He knew many schools of a strictly religious character which were in every sense undenominational. He had been many years manager, and was once teacher in one of the largest schools in Liverpool. It was attended by 301 children belonging to the Church of England, 30 Roman Catholics, 192 Methodists, 51 Independents, and four Unitarians. There was one Roman Catholic mistress, one Independent mistress, two Church of England masters, six Church pupil-teachers, two Methodist pupil-teachers, and one Independent pupil-teacher. The masters and mistresses took the children to the Sunday schools connected with the denomination to which they belonged. That school might be illogical, but it was perfectly successful, and its scholars made their way in the world to the complete satisfaction of him and his colleagues, and were on Sundays religiously instructed in accordance with the wishes of their parents. The day of creeds and formularies was passing away even with grown men, and the Bill offered, he had shown, a new encouragement to their continued teaching to little children. The Liberal party had asked and been promised a national system; the Government gave them two systems, and the right hon. Member (Mr. Gathorne Hardy) complained that the terms were not sufficiently equal to secure a fair and equal contest—he (Mr. Melly) would say a prolonged and bitter rivalry, in which education would greatly suffer and the cause of true religion be endangered. This could be no settlement. It could, of course, be carried by the aid of right hon. and hon. Members opposite. But the truce as regarded existing grants would come to an end. The right hon. Gentleman asked—"I want to know what guarantee do I get in giving my assent to the Bill, that what the right hon. Gentleman at the head of the Government promises will be carried out?" He (Mr. Melly) would give no guarantee and would be bound by no "moral contract." They were content to be illogical; they never attacked the grant of 10*s*. to existing schools; but henceforward this battle of denominationalism against unsectarianism should be, and would be, fought on the Educational Estimates year after year. There were, he believed, terms on which an equitable measure might be proposed—terms which would unite the Liberal party, and place the Government in a similar position to that which it occupied on the Irish land question. He would suggest that the Amendment of the hon. Member for Birmingham on Clause 14 should be accepted; that school Boards should be formed everywhere; that there should be a re-insertion of Clause 22 with the Amendment of the hon. Member for Manchester, similar to the Amendment on Clause 14; that no more building grants should be made; and that 10*s*. per head should be given to all schools. Those were five points of a charter, by which he believed an advantageous settlement might be arrived at on that side of the House. Some Members of an extreme party on that side of the House might object, but he believed the end would be secured. And where would they be if the extreme party did not guide and instruct the leaders of the Liberal party, and ever point out higher and fairer aims to the nation at large? That proposition would, he believed, place the Government in regard to the education question in the position in which they stood in dealing with the Irish difficulty. The party opposite might object to it; but they had objected to the Irish Church Bill, now the law of the land. The nation would accept it, and the question would be solved. It might be said it would not be accepted in "another place;" but it was the duty of the Government to carry the Bill through that House, and to enable their supporters to redeem the pledges they had given to the country under their guidance and leadership. If he might make an appeal to hon. Gentlemen opposite, he would ask them to weigh well the pregnant words uttered a few days ago on that subject by the Archbishop of York. The Archbishop said—

> "He could not help saying that the measure now before Parliament must be dealt with seriously during the present Session. It was plain that in the heat of discussion upon platforms Church of England education would fare worse than it was likely to do from any Bill that might be passed this Session."

Hon. Gentlemen opposite would, therefore, do well to settle that matter now, and take what terms they could, for they would fare worse if they went farther. By such concessions as he had indicated, he believed the Government could solve that question, and give the country the inestimable blessing of a grand, comprehensive, and truly national system of elementary education. With the adoption of such a settlement as he suggested, elementary education would cease to be the appanage of the rectory, the manor house, or of the richer denominations. The national schoolrooms ceasing to be supported by the eleemosynary aid of the benevolent, would, like our Universities, become the institutions of the nation, and the object of the Bill of a Liberal Government, backed by a Liberal party, would be effected in accordance with the declaration of Her Majesty at the London University—that it was formed for the purpose of encouraging sound education amongst all classes without restriction as to creed or sect.

MR. MORLEY said, he wished to explain the reasons which would compel him to vote against the proposition of his hon. Friend the Member for Merthyr Tydvil (Mr. H. Richard). He was quite conscious of the gravity of the crisis at which they had arrived; and he knew there was great danger that, unless they moderated their views of each other's opinions, and were willing to make concession without undue compromise, they might not only be landed in great difficulty, but be prevented from accomplishing what he believed was the wish of a large majority in that House—namely, the securing of a system of instruction which would greatly extend the blessings of education amongst the people. He would press hon. Members on the other side of the House to make concessions with a view to the adoption of some common system. The earnestness with which Englishmen generally held not only their religious but also their denominational preferences was so great that, without concession, it would be impossible to reach a common ground of action. He had very great misgivings as to their arriving at any stereotyped system that would suit the whole of England. They were dealing with an old country, full of expedients and compromises, the result of ages of conflict; and therefore he was quite prepared to believe that it would be found that in some parts of the country there would be needed secular schools. But, then, he thought this should spring out of a decided call from the people. His contention was that the people generally were opposed to a secular system of teaching. He had had upwards of 25 years' experience as treasurer of one of the training Colleges, and having been brought largely into contact with labouring men, he had never met with a parent among the working classes who objected to the use of the Bible in the hands of an honest teacher. What parents did object to was having their children made use of to swell the numbers of this or that denomination — Established or Dissenting. They wanted them to be dealt with fairly and honestly. He (Mr. Morley) was anxious to avoid reflections upon those who were advocates for the secular system, because he happened to know a large number of men, earnestly bent on promoting the religious education of the people, who believed that the secular system afforded the only solution of the difficulty that lay before them. But he was himself quite opposed to any attempt to mould the character of the people by the enforcement of a system whose influence, he believed, would wither up all that was fresh and vital in our religious communities. At the same time he would oppose any attempt to enforce religious teaching upon those whose parents were unwilling that they should receive it. Up to the present time their system had been denominational. A body of gentlemen connected with this or that denomination had met together to establish a school; they had offered to the people in the neighbourhood the teaching in that school, and such teaching was, in fact, received as the parents of the children preferred. The Government were now proposing to introduce two new elements, that of compulsion and that of rating. He looked with a great deal of hesitation on the introduction of compulsion. He knew it was necessary that the neglected masses of the people should be educated, and he looked to compulsion as an ulterior resort; but he thought that a great deal might be done by depriving employers of the right to employ little children, for then hundreds of thousands of children would be set free for education. If that attempt were not successful, he would resort to compulsion; but he looked with dismay to their at once setting the police to drive children into school. As to the principle of rating, he confessed that he had no great fondness for it, and he should have been better pleased if the whole system of education could have been carried on by means of grants from the Committee of Council, under regulations as strict and stringent as those which would be applied under a system of rating. But he confessed that he should have great dread of that alternative, unless they could see their way to common ground as between denominational and secular education. He was not disposed to withhold his testimony to the value of the religious teaching hitherto given in schools. He would go further. Drive forth religion from the schools and where, he should like to ask, would education or religion be 50 years hence? because he was persuaded that they would detach from the work of education that which he regarded as of inestimable value to it—the religious earnestness of those engaged in it. He believed he was correct in saying that out of some 15,000 or 20,000 schools in England they could not find 500 secular schools; in fact, he doubted whether they could find 50. He held that to be a proof that at least the direct secular system of schools had not been called for by those who ought to be the best judges of what they wanted—namely, the parents of the children. The middle course to which he was anxious to advert was one which had been suggested by the Rev. John Percival, the Principal of Clifton College, Bristol, who, in a recent letter to *The Times*, had stated that "he was sanguine enough to hope that the battle would be won if the Government could be persuaded to lend their authority to a clause ordaining that no catechism or religious formulary should be taught in any school receiving State aid as part of the regular routine, but that religious instruction should be confined to the reading of the Bible, with unsectarian comments, the religious instruction to be given at fixed times. Such an arrangement would be accepted by the country as a very tolerable compromise, it being a condition that the Biblical instruction should be given by the schoolmaster only." The Amendment of the hon. Member for Merthyr Tydvil, that was on the Paper prior to Thursday last, suggested that ministers of all denominations should be brought into the school at other than the school hours. His own conviction was that that would work most disastrously. While he was no believer in putting upon the teacher of the school any large amount of what they understood by religious instruction, he must protest on Nonconformist grounds against the exclusion by legislative enactment of religion from the school. They had heard a great deal of late of Nonconformist principles. His own conviction was that those principles would be as much outraged by the exclusion as by the enforcement of religion. Take the case of a Baptist teacher, one who knew nothing of catechisms or formularies. What he wanted to see was a statutory declaration by which such a teacher of a school should be told that the principle upon which the school was to be conducted was, that the best secular instruction should be imparted, while at the same time it should be pervaded by a religious spirit. The Holy Scriptures should be read, and a fair and honest interpretation given; but there should be an absence of any attempt by means of the school to spread merely denominational or sectarian teaching. He regretted that the terms of the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple) were not somewhat more comprehensive. He (Mr. Morley) really did feel that they had a right to demand that in addition to the exclusion of the catechism and formulary some words should be added which, while not unfairly pressing upon the liberty of the teacher—for which he was prepared to contend—should convey the idea that there was to be a check put upon the tendency to promote denominational teaching. He had had the honour of being treasurer for many years of the Homerton College, a Congregational institution, in connection with which there existed schools; and he was proud to say that in a Report made to that House on the 17th of March, 1869, Mr. Matthew Arnold, who was the Inspector who examined those schools, expressed the highest opinion concerning them, and seemed to consider them better adapted to the practical wants of the country than the National and Wesleyan schools, on the one hand, or the British and secular schools, on the other. Mr. Arnold stated that these schools had elements of utility eminently calculated to be of use in the future. He (Mr. Morley) could say for the numerous schools which had sprung from the movement, that the shrewdest Member of that House might spend hours in examining the course of instruction given in them, and in no single instance would he be able to tell the denomination to which the school belonged. He had only, in conclusion, to assure his right hon. Friend the Vice President of the Council that he had sympathized very much with him during the last few weeks. He had read and listened to the many attacks to which the right hon. Gentleman had been subjected, as if he were not true to the principles he had so often enunciated. No one could understand the difficulties with which this question was surrounded so well as his right hon. Friend, who was at the centre of action, and who was aware of the many interests which had to be dealt with, and the undoubted right which the Church had to be considered as having done so large a work in this great undertaking of education. He hoped his right hon. Friend would be encouraged to persevere. His earnest desire was, in order to prevent the country being divided during the autumn into two hostile camps, that they should endeavour by mutual concessions to pass a measure this Session; and he promised his right hon. Friend that any humble assistance which he could render him would be most cheerfully given.

MR. BERESFORD HOPE: I venture to begin with the assertion that all who have heard the debate this evening must acknowledge the extreme inconvenience and anomaly of the course which this Education Bill has taken. The Government has for its own reasons recast and reprinted its Bill, so that for all practical purposes this is the second reading of a new Bill, and of one second in point of importance to no measure which has ever been before the Imperial Parliament. The Education Reform Bill has long been the most ardently expected and, at the same time, the most bitterly feared measure which has ever been promised or expected. When the Bill, however, had to be debated on its merits we have had the red-herring Motion of the hon. Member for Merthyr Tydvil trailed under our noses: a Motion of which the beginning contradicts the end, while both portions are at variance with the speech which the hon. Member has made in its support. The speech itself, however, was couched in a Christian and conciliatory spirit, and, in point of ability and intrinsic merit, would stand high in the debates of the Session. If, however, as the hon. Member contended, religious education should be supplied by voluntary effort and not out of the public funds, the voluntary, or, in other words, the denominational, schools are the ones which should be encouraged, and the hon. Member's Motion ought to have been expressive of that principle, or, in other words, ought to be simply and absolutely reversed. But, as might have been supposed, the expression of one Member's private ideas has not distracted the House, and the debate has drifted into one upon the main question, as has been shown by the speeches of the hon. Member for Stoke (Mr. Melly) and of the hon. Member for Bristol (Mr. Morley). The speech of the hon. Member for Stoke was neither more nor less than an attempt to rally the united Liberal party to support the Government and to save them from the pollution of support from the Conservative side of the House—the support which some hon. Members appeared to regard in the same light as the shake of the hand from a man with the small-pox. There are always some Members who are inclined to think that there must be something wrong with every Bill which the Government brings in unless it is hooted down by our side of the House. I must, however, ask the hon. Member whether it is not pursuing a factious course to try to make a measure like this a party one, and to grudge the support of both sides of the House, instead of inviting all Members and all Englishmen alike to consider calmly and impartially a proposal of national importance? That is the spirit in which I seek to deal with this measure. Being, perhaps, the most independent Member on this side of the House, my own feeling—and I believe that of the Conservative party—is to enter upon the consideration of the matter in a fair and conciliatory spirit, and to support the Prime Minister in any liberal and reasonable, and, above all, religious solution of the difficulty. The Government measure has gone through the crucible and reappeared in a not less complex form than before, with many of its old provisions untouched, with some which I recognize as improvements, but with others that do not fall within that category. But taking it as a whole, those upon the same side of the House as myself would be sorry to see the Bill shipwrecked at its present stage upon the Motion of the hon. Member for Merthyr Tydvil, or on any other Motion. We wish the Bill to go into Committee, there to be discussed fairly and fully, and without party feeling, and sent up to the other House to be discussed there also fairly and fully, so that upon some day, late in August perhaps, and when the grouse are very old and strong upon the wing, Her Majesty's Government may be able to release us, an Educational Bill applicable to the whole country having by that time been carried. The most conspicuous changes made in the Bill are—first, the removal of existing denominational schools out of the category of schools supported by local rates and their transference to the Parliamentary grant; second, the abolition of the year of grace; third, the adoption of the clause proposed by the right hon. Member for South Hampshire; and, fourth, the Time Table Conscience Clause. The first of these changes has been denounced by the hon. Member for Stoke as a return to priestcraft and tyranny; as a backsliding on the part of the Government to which he has fondly looked as its pupil and disciple, which he loves as the model which he has himself created and worshipped, and as the molten image before which he has bent down. I am sorry for the bitter disappointment of the hon. Member for Stoke, who was a young and ardent politician; but I am not a bit taken inby his speech. He was made the most of a trick which at public meetings or on the hustings is often invaluable; he rang the changes on denominationalism and priestcraft and all other loud-sounding words in what he assumes to be the same category, and he fancies that those against whom his observations are levelled will be so overwhelmed by his eloquence that they will feel themselves degraded and ashamed to acknowledge their belief in creeds and formularies, in a fixed faith, in dogmatic teaching, and in the truth of revelation given from on high. The hon. Member believes that this torrent of weak vituperation will keep people from openly professing their belief; but he is mistaken. He has set himself above the faith and belief of 19 centuries, and from the apex of the pyramid to which he has raised himself he has assumed to tell us what is and what is not truth. I answer him that in spite of such vain philosophy there are, and ever will be, numberless men who believe that Christianity is nothing unless it is a body of belief, a rule of action, and a law of life as complete as any code which Parliament may embody in any Act; and I tell him further that the men who hold this opinion are foremost in waging the great educational battle. No doubt the temptation in their case would be towards exclusiveness; but my right hon. Friend the Vice President of the Council will bear witness that those who are most strongly in favour of dogmatic teaching have this year come forward and accepted without reservation the principle of a Conscience Clause making a signal sacrifice of their own earnest convictions in furtherance of the great cause of education. They are willing to accept both a Conscience Clause and secular schools—where the will of the people declares in favour of them—as well as denominational schools of all sorts and kinds; but one thing they will not consent to, and that is the denouncing of fixed creeds and of the teaching of dogmatic forms of Christianity. The Vice President of the Privy Council must have heard the ardent threat in which the hon. Member for Stoke indulged, that if these schools are put under the Privy Council "we shall oppose the Education Grant whenever it comes up." Who the "we" may be the hon. Member did not very clearly explain; but this threat, it is worth noticing, comes, not from below the Gangway, but from the Bench identically behind the Treasury Bench, and within a few inches of the Prime Minister. Looking to this declaration, Members on the Opposition side of the House are not unreasonable in asking for something like guarantees that the good intentions expressed by Her Majesty's Government shall be carried out. Next, the year of grace has been withdrawn. In the hands of my right hon. Friend opposite I have no fear that the additional power thus conferred on the Department will be harshly used; but what we must look to is the possible working of the Department in other hands, and to the fact that there may be a Vice President of a different stamp—some Member, for instance, for a metropolitan constituency, in whom equal confidence will not be felt. The hardship of this proposal is easily shown. Suppose the case of a parish where the denominational school nearly, or, under ordinary circumstances, quite, comes up to the required standard, but where, from some local and temporary circumstance, such as a schoolmaster or mistress having gone away "in a tiff," the school happens at the moment of the inquiry to have fallen just below the required mark of excellence, for this case, if only a short time were allowed it, the effort could be made and the usually high character of the school redeemed; whereas, under the "forthwith" now proposed, the managers of the school may be cast out of the running for ever, and saddled with a really unnecessary rate-created school. In the name of the chapter of human accidents, I plead for something less tyrannical and less peremptory than this "forthwith" which it is proposed to substitute for the year of grace. The third and most important change is the new clause of the right hon. Member for South Hampshire. I should like very much to know what it means. I must plead guilty to an entire, profound, and almost growing ignorance upon it. It proposes to provide that no religious catechism or formulary distinctive of any denomination shall be taught in any school. Now, I know what a catechism is. It begins with "Q.," after which follows "A.;" then comes "Q." again, and then "A.," and so on to the end. But I defy all the Treasury Bench together to give an explanation of the word "formulary" which would be acceptable to both sides of the House and intelligible to the country. Does it mean a form of words authoritatively enacted by the governing power of a particular denomination, or a form of words which, without such enactment, has come into common vogue within that body? Must it be authoritative language enunciated like a creed, or may it be of a descriptive or poetic nature? Is the Nicene Creed a formulary? Is the Apostles' Creed or the *Te Deum* a formulary? Finally, is the Lord's Prayer a formulary or not? [An hon. MEMBER: No.] At all events, that prayer is formalized. Formulary meant a thing which had been cast into a form, and if anything has ever been cast into a form in the Christian Church it is assuredly its most ancient body of set words, the Lord's Prayer. I was astonished to hear the right hon. Member for South Hampshire say that the Apostles' Creed would not come within his Amendment, because it is the formulary, not exclusively of the Church of England, but also used by more than one religious body. The right hon. Gentleman's proposal ought, then, to run in these terms:—"No religious formulary or catechism distinctive of any particular denomination shall be taught in the schools, but any formulary or catechism which is distinctive of any two particular denominations may be taught." In point of fact, the whole thing is a trap for morbid and scrupulous consciences, and will only be favourable to those who desire to breed discord and create a parochial, a diocesan, or a national row. As a Churchman, I have no particular love for the Westminster Confession of Faith; but I should say the Presbyterians would be inconsistent if they did not teach their children in that formulary. Again, if John Wesley has left any document like a catechism embodying his views of Christianity, the Wesleyans would have a right to demand that that document should be taught in their schools. I am not, therefore, claiming a monopoly for the Church of England. I think the excision of the Church Catechism, provided it be guarded by an ample Conscience Clause, would be a tyranny and an oppression. I most solemnly, seriously, and strongly protest against it. And now I will treat the question as one of historical fact. The Church Catechism is pre-eminently a moderate document. The first portion of it was composed by Dr. Nowell, Dean of St. Paul's, an Elizabethan divine, who was a leader of what would now be termed the Low Church party. He was likewise the inventor of bottled beer. The second portion of the Catechism was edited and placed where it is—having been rough-cast by Nowell — in the reign of James I., by Bishop Overall, a High Churchman. Altogether this document shows in a remarkable degree the moderate and wide frame of mind of the Church of England, and if its use were prohibited in schools schoolmasters would have waistcoat-pocket catechisms of their own, expressing exaggerated views of different doctrines to which they happen to attach individually, and thus the Church of England would risk being split up into extreme and hostile sects. I have left myself but little time to speak of the general Time Table Conscience Clause. Its mechanical rigidity is so galling and so unnecessary that I cannot doubt that the Government will act upon an Amendment allowing each school to appoint its own time table according to local circumstances. In all the discussions on the question a vital point has been avoided—namely, what manner of men will the new schoolmasters be? The right hon. Member for the University of Oxford is the only person who has had the courage to ask where they are to come from; but it is still more important to ask what kind of men they will be when obtained in a hurry, as they must be if the word "forthwith" remains in the Bill. There are no training Colleges to mould so many. They will, probably, be only half-educated, and to leave such men cut from their moorings to teach religion without the aid of some recognized formulary, must inevitably lead to serious, dangerous, and unexpected results. A solution of the religious difficulty might, perhaps, be found in encouraging the different denominations to send voluntary—and, it might be, unpaid—teachers into the rate-created schools to teach religion, these teachers being either laymen or ministers. They would give instruction according to their own formularies to those only who pleased to attend. There is sufficient religious zeal amongst the various denominations to incite them to provide voluntary teachers for day-schools as they now did for Sunday-schools. If they did so, an additional reason would be found for a relaxation of the rigid time table proposed by the Government, and the absurd clause containing the vague word "formulary" might be dispensed with.

Dr. LYON PLAYFAIR: Sir, when this Bill was first introduced by the Vice President of the Council, it was hailed, both by this House and by the country, as a great measure for the education of the people. The reason for this doubtless was that it was considered an honest and able attempt to spread education among the neglected masses of the population. As long as this paramount consideration was upon our minds, the Bill ran smoothly upon the educational rails. But, somehow, it has been shunted off into a political and ecclesiastical siding, from which it is exceedingly difficult to get it back. I had hoped, when the Bill reached its present stage, that we might have had it discussed in its bearings on the education of the people; but I have abandoned this hope, and so I am obliged to follow it into the siding from which I would fain see it escape. The Bill allows a school Board to determine whether a school shall be secular or religious. In the present state of public feeling, it would be impossible to go further, for even the secularists must admit that the large majority of the country desire religion to be taught in schools. Well, this being granted, I am not surprised at the form which the Bill originally took; for, if parents can be trusted with the decision of the important question whether a school is to exclude or include religion, it seems logical enough that the parents should be enabled to state what form the religious instruction should take. And if the political and ecclesiastical difficulty had not swelled to such formidable proportions, those who are guided by the educational experience of the past would have had no difficulty in leaving this question to the decision of parents. In Scotland we have had, for a century and three - quarters, a parochial system of schools supported by rates on land, such as you are now about to establish by this Bill; and, for a quarter of a century, we have had Dissenting denominational schools running alongside of them, partly to compete with and partly to supplement them. All of them have been conducted with full religious toleration, which the Churches themselves, to their great credit, imposed upon all their schools. What has been the result? The Church schools have 40 per cent of Dissenting children, and the Dissenting Free Church schools have 39½ per cent of children of other denominations. Nor is this owing to similarity of doctrine; for out of all the Roman Catholics and Episcopalians attending schools in rural districts, 57 per cent attend Presbyterian schools, and only 43 per cent schools of their own persuasions. The conclusion to be drawn from these remarkable figures is obvious. Wherever good schools exist, the parents take possession of them for their children, and care nothing for the ecclesiastical differences of their managers. When, then, my right hon. Friend the Vice President of the Council, in his celebrated speech at Bradford before the opening of the Session, said he saw no difficulty in the religious question, he was perfectly right as an educationalist in saying so. As an educational question, there is no difficulty; but as an ecclesiastical and political question, we have seen that it is bristling with difficulties. In approaching the ecclesiastical difficulty and the Resolution offered for our acceptance, allow me to state in what manner I look upon the question. I, by no means, share the profound conviction of many hon. Members opposite, that the separation of religion from secular instruction in the school will injure the religious tone, or what in Scotland we call the religious up-bringing, of our children. It simply transfers the duty from the schoolmaster to the parent and to the minister of religion. The time may come, and perhaps is not very distant, when we may all agree that it would be better, both for the interests of religion and of secular instruction, that the separation should be made. Either the combined or separate system may claim equal reverence for religion. The latter is the view held by a large and influential body of Christians—the United Presbyterians. But, to my mind, the time for this separation has not arrived, and I have no desire to see religion excluded from the school. My reason, as an educationalist, is this—Unhappily, State-assisted education in elementary schools has been lowered to a mere mechanical drudgery of teaching the three R.'s. There is nothing left in our schools as an antidote to this but religious instruction. The Bible forms now the only classic of the school, the only means of culture, the only channel by which ennobling sentiments can be instilled into the minds of children, the only way of giving poetry to their existence. Of course, it has a far higher purpose than even this; but I am simply looking at religious teaching in the light of an educational agency, and I am not prepared to part with it from our schools until the national idea of education is much expanded. The Resolution of the hon. Member for Merthyr Tydvil (Mr. H. Richard) does not ask us to dispense with religion from schools—and to that extent I am in accord with him; but he wishes it to be separated, in some not well defined way, from the secular instruction, and to be provided by voluntary agencies. That part of his Resolution does not satisfy me at all. I have frankly confessed that it is as an educationalist that I cannot part with religion from schools as they are at present constituted. But this implies that it must be as effectively taught as any other branch of education. With a trained and certificated master, I know that he can bring religion in powerful aid of his secular instruction. But with chance, voluntary, and disconnected agencies, there is no security for this whatever. If you are to have religion in school, it must be the religion of the master. Well, but we are told by the right hon. Member for Buckinghamshire (Mr. Disraeli), that this is equivalent to founding a new sacerdotal class. We have had 30 years' experience of the teaching of such a class, and what does it amount to? It is not probable, indeed, that many hon. Members ride their school hobby so hard as I do, and perpetually visit schools of all kinds and denominations. But when they do enter them, I am sure that they find this teaching of dogma, of which so much horror is expressed, is a myth of our own creation, and has little practical existence in the every-day working of the school. I do not say that there are no exceptional schools, in which doctrines may not be taught; but the religious teaching in our schools mainly consists of such narratives as Joseph and his brethren, or David and Goliath, or the more simple parables; and my chief fault with it is that there is far too little taught of the beautiful morality of the New Testament. And what will be the effect of our new Conscience Clause? Clearly, that there will be an incessant endeavour to make the religious teaching so general and acceptable that all children will avail themselves of it. Your English denominational schools will soon reach the position of Scotch Presbyterian schools, in which even the Roman Catholics participate in the religious teaching except the Catechism. Then, if the spread of education be our paramount consideration in passing this measure, there is nothing in its provisions which should deter us from letting religion be taught by the schoolmaster, and not by chance voluntary agencies, which, in all likelihood, will be infinitely more dogmatical than the secular teacher, whose interest it is to keep all his scholars together on the broadest basis. The first part of the Resolution of the hon. Member for Merthyr Tydvil is intended to negative the recent proposal of the Government, that increased aid should be given to denominational schools. If it be right under the first Government proposal to aid such schools, when they require aid from local taxation, it must be right to continue that increased aid from Imperial taxation. There is no difference in the principle involved. In the one case, taxation is levied from a contracted area of £86,000,000, and in the other case, from a larger area of assessment of £550,000,000; but, in both cases, taxation is the source of aid. I can, however, quite understand the principle of refusing increased aid from either source, but not of supporting it under the old proposal and refusing it to the new one. Of the two proposals, that of the Government in the amended Bill is certainly the least clumsy and wasteful. There might have been under the former proposal five schools in a district, three of which were flourishing and requiring no aid from the rates, and two of which were languishing and requiring aid. The old proposal did not permit the local Board to aid these two, but compelled it to aid the whole five. In this respect it was clumsy and wasteful. The new proposal takes each school on its own merits, and secures that all grants produce adequate results. But this does not dispose of the more general issue raised in the Resolution. Should denominational schools receive increased grants of any kind? To this I reply, in the first place, that they form the whole educational stock of trade in the country, and that it is our duty, as well as our interest, to improve them and make them fit for aiding the great national undertaking on which we are embarked. You cannot afford to dispense with them, and therefore you ought to make them as efficient as possible. I need not remind the House that the State did not interest itself directly with the education of the people till 1839, and not very effectually till 1846. You then found, as you still do, that, while the State had been neglectful of its duties, religious bodies were trying by voluntary efforts to lessen the ignorance of the people. Well, we did not dispense with these efforts, but held out a helping hand, timidly at first, more boldly afterwards. Since 1846, upwards of £20,000,000 have been spent in these joint efforts, and we have a network of schools, which really form our whole educational stock-in-trade. In all this the State has hitherto played a most subordinate part. It never initiated anything—it only helped the efforts of religious bodies. So that even now education in this country rests much more upon the traditions and habits of the people than on State help. The State is now awakened to a new sense of its duties; but is it either possible or wise to ignore the existing educational position of the country? You may, by an Act of Parliament, create a telegraph system or a prison system; but I defy you by an Act of Parliament to change suddenly the habits and sentiments of a people in the up-bringing of their children either in godliness, virtue, or knowledge. Your new systems may be more simple and philosophical; but if they ignore the existing conditions of things they will unquestionably fail. And it is notorious that existing denominational schools are at their heaviest strain, and that the local burdens on the ministers of religion, to whom these schools are mainly due, are greater than they ought to be called upon to bear. In relieving them of some of these, we are justified in saying that the State will insist that the secular part of the instruction should be open to all, and the religious instruction be made compulsory on none. And this is what we are doing, and what the Churches, to their credit, are willing to accept. The hon. Member for Merthyr Tydvil says, aiding these schools is equivalent to concurrent endowment. But the State is only to give 50 per cent, or say, at the most, 15*s.* per child to the expenses. Why, the League itself proposed that 20*s.* per head should be paid for secular instruction from State funds. Hence 15*s.* cannot be more than represents the cost of that instruction, and, in this sense, the State cannot be said to pay anything for religious teaching. I recollect the educational conflicts between 1839 and 1846, the defeats of Ministry after Ministry on educational questions, when, as now, the ignorance of the people was made the battle-ground of religious sects, and the people perished for want of knowledge. And the present state of our large towns is worse than then—far worse, as the recent inquiries have shown, than even the men of the greatest educational experience could have believed. I will take the town which is the head-quarters of the Education League, that opposes this Bill so fiercely. It is no worse, and no better, than the other large towns which have been examined—Liverpool, Manchester, Leeds, and Glasgow—but it is in a state of educational destitution that is perfectly appalling. Birmingham has 65,000 children between five and 13 years of age. Of these, only 21,500 are under daily instruction in schools of all kinds, or only one in three; and there are 15,500 under what, out of pure courtesy, is called efficient instruction, or one in four. Of the 15,500 said to be under efficient instruction, only about one-fifth reach Standard IV.—the only one sufficiently advanced to stand the wear and tear of a working life. This is almost incredible; but I have not yet seen any contradiction to the statements of the Government reporter. How the representatives of the large cities can rest for an hour without hurrying the Government to pass a Bill that will, at least, mitigate these evils, I cannot comprehend. Any step forward is better than standing still. I, for one, at least, will not be responsible for refusing any measure that will advance the educational position of the country, because I cannot get all that I wish. I have tried to convince the House that the religious difficulty is an ecclesiastical and political, not an educational, difficulty. But are my Friends on this side of the House right in the belief that we are handicapping the rate-schools in the race with the denominational schools? There is a general concession that we must not deal illiberally with existing denominational schools, though we ought not to accord undue favour to new ones. Now, I contend that, so far from rate-schools being at a disadvantage, all new denominational schools are very heavily handicapped, and cannot keep up in a race with rate-supported schools. The former must build their own schools without aid from the State; while rate-schools have their buildings erected by local taxation. Denominational schools must find, at least, a sixth of the expenditure by subscription; the rate schools have no such obligations. Even as regards school-pence, there is not an equality, for rate schools are under a Board having compulsory powers, and enabled to send in all neglected children. The educational appliances of the rate-schools will necessarily be the best of this kind. So that in each point of view, everything in the race is in their favour. And I have said nothing as to the great gain by prohibiting catechisms and formularies from rate-schools. Under the Bill, the parson and squire might, if they had been so minded, have thrown the school on the rates. Now, if they do so, the school must cease to be a Church school. Why, then, should there be any ecclesiastical or political terror? Only educate the people well, and our political and religious liberties will be safe in their keeping. I now very gladly pass from the religious aspects of the Bill to its compulsory provisions. The Resolution before us invites us to affirm that "the attendance should be everywhere compulsory." I suppose that it does not exactly mean what it says; but that, in reality, it is intended to indicate that measures of compulsion should be provided for children who do not go to school voluntarily. Before discussing this universal and rigid compulsion, allow me to remind the House of what are the three great principles of this Bill. The first is, that education shall be placed within the reach of every child in England; the second, that every child ought to be educated, and may, in case of necessity, be compelled; the third, and most important, that the State charges itself with the duty of seeing these weighty ends accomplished. Now, these three principles are of such vast importance that, if the Bill had done nothing but ask our affirmation of them, it would have been a great gain to education. Their attainment ought to dwarf our objections to special clauses, for true principles infused into legislation rapidly develop themselves into efficient action. But I admit that the entirely permissive and sectional character of the compulsory clause is out of joint with the general spirit of the measure. That spirit I take to be that the work of education must be done; and if the locality refuse to do it, the State will compel it. At the same time, it would have been impolitic for the State to push direct compulsion too severely at first. We have had Prussia held up as an example of its possibility; but the first compulsory law there was in 1763, during the reign of Frederick the Great, a very strong-willed King, and it has taken more than a century to bring the law into full effect, for it had to be propped up by successive Acts, especially by those of 1819 and 1845. Direct compulsion is most easily applied when there is no necessity for it — that is, when the state of public opinion in favour of universal education is so advanced that there is a general acquiescence in the desire of the State, and no need to inflict penalties. I have no objection whatever to the principle of direct compulsion, and think, as an ultimate resort, that it is a power well to possess; but I do not believe that it will be by direct compulsion that we will succeed in attaining our object. Indirect compulsion, which makes education the only tool with which labour can be begun, enlists all motives, whether they be good or bad, on the side of the State. The sordid, selfish parent, who wishes to live on the wages of his children, would find the need of educating them; while the prudent, loving parent would be equally an ally of the State. But though I have little faith in the form of the compulsion adopted in this Bill, I think that it is a very great thing to have the principle admitted by the nation that every parent must be responsible to the State for the education of his child, and I am content to wait for the healthy development of that principle. Its adoption by the country is a logical consequence of the imposition of educational rates, for, if it be right to compel a community to educate its children, it must be equally right to compel these children to receive the education thus provided. While not desiring to force the Government to the exercise of a rigorous compulsion, which might break by its rigidity and produce a reaction, I think they are bound to assume the power of enforcing the application of the principle which they believe to be possible. This is the object of the Amendments which I have put on the clause; and I venture to think they are safer than the rigid terms of the Resolution. As those who are chiefly interested in the ecclesiastical and political bearings of the Bill had very long innings at the second reading, I had hoped that at this state those who are interested in its educational provisions might have had an opportunity of discussing them. Especially was I desirous to show in what manner this Bill is likely to act on the position and qualifications of the teachers. But I am too anxious to see the Bill pass to venture on any general criticism on this head. But before I sit down, I must ask permission to make a few observations on the efficiency and organization of the Education Department, which now for the first time receives large initiatory and controlling powers, in addition to its duties of inspection and supervision. Has this Department so succeeded in the past as to justify us in intrusting these powers to it on its old organization? What is the sum total of its educational achievements with the large annual grants which we have placed at its disposal? I will answer in the very words of the last Report of the Committee of Council, lest you should deem me guilty of great exaggeration. This is the answer—

> "Of four-fifths of the scholars about to leave school, either no account or an unsatisfactory one is given by an examination of the most strictly elementary kind."

This means that with all our payments to insure results, only a fifth of the children above 10 years of age — even of those in inspected schools — have been got to pass above Standard III. And what is their *pons asinorum*, the Standard IV., which turns back four-fifths of school children under our present system? Its definition in the same Report is thus given by the Rev. H. W. Bellairs, one of Her Majesty's Inspectors of Schools—

> "Standard IV. is the very lowest that will enable a child to read the Bible with satisfaction to itself, to pen a simple letter to parent or friend, or to transact any money matters with safety."

Further, it is the universal opinion of competent masters that no lower standard is strong enough to stand the wear and tear of life; for a smaller amount of knowledge is found to vanish in two years of a working life; and so far as this Bill gives us any surety, this is what we are to rest content with as State education. If we expect to abate, by means of such tuition, the existing mass of pauperism, crime, vice, misery, and disease, and if we expect, by such instruction, to enable our working classes to maintain an equal competition with the more highly-educated working classes of other countries, we must possess a faith that would remove mountains. I regret to be so singular; but I must express my conviction that the annual expenditure of the State for such purposes alone is a wasteful and unproductive expenditure. The efforts of the Education Department are unable to prevent the real education of the youth of the country from continually slipping back. This is a serious charge, so let me substantiate what I say. I used the expression youth as distinguished from children. It is to me a most lamentable feature of our educational efforts that the age of school children is continually decreasing. In foreign schools children continue their attendance till 14 years of age, and about 1,200 out of 10,000 school children ought to be of that age. Twenty years ago we were bad enough, for only 424, or about a third of the proper number, were of this advanced school age; now only 280 are so. Twenty years since 1,000 out of 10,000 school children were between 11 and 12 years of age; now only 785 are so. This continued lowering of age of school children is but a poor outcome of State interference with education since 1839, and should make us gravely consider whether we are proceeding on right principles. I am not attacking the men who have administered the affairs of the Committee of Council, or the permanent officers connected with it. The latter especially have been men of singular ability, devotion, and conscientiousness. I am attacking a system which confines a Department to mere elementary education, and cuts it completely off from all connection with the administration of the grants which we make for secondary and higher education in the country. When we were called upon to reorganize such an important section of the education of the country, I think the whole State machinery of education should have been overhauled at the same time. I do not object to the large initiatory and controlling powers given to the Education Department by this Bill, as they are necessary for the correction of any inaptitude or ignorance on the part of Vestries or Town Councils. Yet they would have been more freely conceded by this House, and accepted by the nation, if the Government had boldly established a Minister of Education, sharply responsible for the action of his Department. At present the Vice President of the Council, instead of attending to education, may be looking after diseased cows or sheep, may be organizing cattle markets or abattoirs, may be busying himself with questions of quarantine or vaccination, or be consulting with the Medical Officer of Health how to resist an invasion of famine-fever, or cholera, all which duties are clearly incompatible with the energy and devotedness required to carry out a great scheme of national education, of which this measure is not the end but only the beginning. The bright examples of other countries were brought before the House, at the second reading of this Bill, by my hon. Friend the Member for Sheffield (Mr. Mundella). But, then, he was speaking of countries in which there are efficient Ministers of Education, responsible for primary, secondary, and higher instruction worked in correlation. It is by this combined system that foreign countries obtain their high results. They leave to the localities the mere elementary teaching, while the State, by its inspection and Government grants, draws out intellectual life and interest in education, and these are the main humanizing and civilizing parts of it. The only stimulus which we give, under our present system, is for the crudest raw materials of education, no inducements being offered to work them up to any sort of utility. What we call "education," in the inspected schools of England, is the mere seed used in other countries; but with us that seed, as soon as it has sprouted, withers and dries up, and never grows up into a crop for the feeding of the nation. What any child of a Member of this House acquires at eight years of age is the total amount which four-fifths of the children of the working classes acquire in their whole school career, and in the bulk of cases for their entire life after. Is this the equipment which our artizans ought to have in the advancing competition of the world, when the easy transference of the raw materials of industry is depreciating their value as factors in production, and forcing us to depend on the intellect and intelligence which we can add to the practical aptitudes of the people? In our class of life, reading, writing, and ciphering are taught as the beginning; but in the schools for the working classes they are taught as the end. Yet, here we are still dealing with a Bill in which the quantity of education is alone considered, without one security being given for its quality. There are two parts of the kingdom, both containing a large infusion of the Celtic race—but the one is a source of strength and prosperity, the other of weakness and disquietude. The first, Ireland, possesses more diffused elementary teaching than Scotland, and we spend upon it annually £300,000 for its schools, while we give to the latter only about £100,000. And yet, with all this Imperial expenditure on Ireland, that sort of education has not brought you one step nearer to tranquillity and strength. The Prime Minister, and various speakers on the Irish land question, even alluded to it as having, for the time, led to dissatisfaction and discontent. In Scotland, we vehemently deny the wisdom of your low standards, and on that account have, as yet, successfully resisted the payment by the Revised Code. Scotland had its John Knox, as Germany had its Luther, and both these Reformers taught their countrymen that their lowest schools should have high aims, and should be intimately connected with the secondary schools and the Universities. Every peasant in Scotland knows that it is his own fault if he does not acquire such knowledge in his school as will enable him to aspire to the University. Out of 3,500 students at the Scotch Universities, about 500 are the sons of wage-making artizans or peasants. The student who won our highest honour last year supported himself by working as a herring-fisher during the summers, and paid his own way at the University in the winters. England, in the time of Bishop Latimer, connected her Universities with the country schools in this manner, and had many yeomen in attendance. These Universities have now passed beyond the reach of the wage-making class; but last Session my right hon. Friend passed his great Act for the endowed schools, and Parliament joyfully agreed to open them to the poor, from whom they had been taken away by the rich. But if we retain our present low views of the quality of education in our elementary schools, there is not the slightest chance of the inheritance which we have prepared passing to the working classes. How are they to travel from the elementary schools to those secondary schools by an open competition such as the Vice President of the Council promised to them? Standard III. is the only bridge for four-fifths of them, and a miserably narrow and rotten bridge it is. Hence, the middle classes will again usurp all these schools by carrying away the open scholarships. In Scotland, the teachers of our elementary schools are University bred men, and they bridge over the chasm between the lower and upper schools by their learning and zeal. It is wholly to this connection that we owe the position which Scotch artizans and the middle classes take in occupations where intelligence is a condition for success. I fear that I have wearied the House with my treatment of a branch of the subject, which you may excuse as being natural that a Professor should discuss. For I think it is important, when we are passing a great national measure, that we should know exactly what we are doing, and also what we are not doing. We are now dealing with the quantity and doing nothing for the quality of the education of the people. But as the land requires to be ploughed before the seed is sown, I heartily support this Bill, because I think it is an effective implement for the preliminary preparation of the soil. Yet, when my right hon. Friend the Vice President of the Council, in the eloquent peroration of his speech, at the first reading, warned us that this kingdom could not hope to hold her position among the nations of the world, unless we made up for our lack of numbers by our intellectual force, he could not contemplate the evolution of that force from our present low standards of elementary education. The days are past when the masses of the people were looked upon as aggregations of human beings useful for their brute labour, but in whom the State had little interest as regarded their intelligence, inventiveness, and morality. We now earnestly desire to raise the level of the whole class, so that they may fulfil their functions as freemen and citizens. But, if the sons of toil are to receive the invigorating stimulus and refreshment of hope, you must single out the individuals capable of further development, and who are fitted to add to the intellectual fund of the country, never equal to the demand for it. I do not say that elementary schools should teach higher subjects to all; but I do say all should feel that it is within their power to pass over a bridge between ignorance and knowledge. It is by laying this extended foundation in general intelligence, from which a superior intelligence can be evolved, that you will secure the continued prosperity of this nation, because, in addition to the practical aptitudes of our working classes, you will have the security of a loyal, and contented, because hopeful and enlightened, population, who will support law and order from conviction, and not through fear.

SIR JOHN PAKINGTON: Sir, I desire only to trespass for a short time upon the House while I make a few observations with respect to this Bill. I am one of those who are deeply sensible of the importance of the measure, and I am very anxious to approach the question in the most calm and dispassionate manner. I do not desire to occupy any of the short time that I intend to speak, with any reply to the observations of the hon. Member for Edinburgh and St. Andrews Universities (Dr. Lyon Playfair). I listened to his speech with a great deal of pleasure, and heartily concurred in much that he said; and with no part of his speech did I agree more than with the part in which he insisted upon the necessity of our improving our educational machinery, and especially of appointing a Minister of Education to be the head of that Department. So strong, indeed, is my opinion upon that subject that it was my intention at this stage of the Bill to move an Instruction to the Committee empowering it to insert a clause for the appointment of a regular Minister of Education; but I abstained from doing so because I was unwilling to do anything that might have the effect of embarrassing or impeding my right hon. Friend the Vice President of the Privy Council, in his efforts to settle this question. As I have said, I am unwilling to occupy an unnecessary portion of the time of the House, because I am one of those who are anxious to see this Bill passed into law. Without, then, entering into any close comparison between the shape of this Bill as it was first introduced and the shape in which it now stands, allow me to say that in its leading features I believe it is a great and important measure, calculated to solve a long-standing, a long-agitated, and a most difficult problem; I hope, therefore, that it may pass into law. That is the spirit in which I commence the few observations I desire to make, and in speaking in that spirit I cannot refrain from expressing the satisfaction I feel at the tone which has pervaded this discussion. I must not only acknowledge the ability of the speech of the hon. Member for Merthyr Tydvil (Mr. H. Richard), but what is, in my opinion, at this moment of far more importance than the ability of any speech —I mean the conciliatory and tolerant spirit in which he approached the consideration of the subject. Indeed, the discussion on the altered measure was opened on Thursday evening by the First Minister of the Crown in a tone of charity and Christian feeling, which I hope may pervade the entire debate. I hope that we shall approach this subject remembering what is the real object we have in view. The object we have in view is the education of the children of the masses of this country. Let us bear in mind that it is not our object to give a triumph to one particular denomination or to inflict any injury or mortification upon another. I shall not detain the House by entering into the whole of this subject; my object is to appeal to the Government to give some further consideration to two of the most important changes which have been made in the Bill. I doubt, however, whether the Government have sufficiently realized that which was one of the points put by my right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy)—the importance of making some better provision than now exists for the supply of teachers. Then there are the provisions with respect to religious teaching; if the Bill is to be maintained in its present shape in respect of religious instruction it will become more than ever important, that the supply not only of teachers should be considered, but of well-trained and qualified teachers. I have a right also to ask the Government for an explanation on another point. The Government proposes to make a large increase to the annual grant for the support of existing schools, and my right hon. Friend the Member for the University of Oxford touched upon a point of great importance when he asked what guarantee we had for the permanence of the annual grant under the new arrangement. The year of grace is another point. I say, with every wish to support the Bill, that I very much agree with my right hon. Friend the Member for the University of Oxford—I cannot understand why the year of grace has been withdrawn. I am desirous of receiving an explanation upon that point, and I hope the Government will show that they are about to enter upon such an extended series of inquiries that by the mere lapse of time we shall secure the year of grace, though it is not renewed in the Bill. Well, Sir, time is precious, and I hope this debate will not be unnecessarily prolonged. I hope that the spirit of concession which the right hon. Gentleman the First Minister recommended will be manifested on all sides, and that among other concessions will be that of not too long occupying the attention of the House. I therefore rise to make an appeal to the Government on two points, and on two points alone. The first is with regard to the alterations that have been made with regard to the time table. We have not yet got any explanation of that change. The clause in the Bill when it was first introduced gave general satisfaction, and was cordially accepted on this side the House. It has been altered, and there has now been substituted for it what is called a Time Table Conscience Clause. I believe that clause is now objectionable to many, and, before it be too late, I ask the Government to reconsider it. I do not say this of my own opinion; but I find that this objection is supported by persons of all classes throughout the country. I hold in my hand a Memorial on this subject, which has been addressed to the First Minister of the Crown by ministers and laymen in the borough of Leicester. It is signed by 150 persons, comprising clergymen and curates of the Established Church, and ministers of five or six denominations of Nonconformists, Baptist, Independent, Wesleyan, and Unitarian. It proposes that all existing schools shall continue to receive aid from the Parliamentary Grant, with a Government Inspector and a Time Table Conscience Clause. They propose, further, that all schools supported out of local rates shall be strictly undenominational, that religious instruction shall be given wholly out of the Bible, and by the regular school teacher, and that a Time Table Conscience Clause shall be affixed to the walls of the school. Now, on this subject I speak for myself alone, and not for others; but I must say that, to the extent of these two paragraphs, I thoroughly concur with the memorialists. Another paragraph is—that by the Time Table Conscience Clause they mean that a definite period for religious instruction shall be fixed by the school managers, and that the children whose parents object to their receiving religious instruction shall receive other instruction at that time. Here I thoroughly concur with the memorialists, and I cannot understand why the Government does not. I have here also another Paper—a copy of a Petition presented by the hon. Member for Kendall (Mr. Whitwell)—signed by about 2,000 school teachers, one-half of whom are connected with this metropolis. They say that the Time Table Conscience Clause proposed by the Government is open to great objection—that it is very undesirable for Parliament to fix the time for religious instruction, to be given in all cases at the beginning or the end of the school hours. The Petitioners respectfully submit that the time table for religious instruction should be left to the managers, subject to the approval of the Educational Department, and should be published and placed in a prominent position on the walls of the school. Now, I am glad I have an opportunity of speaking before the right hon. Gentleman the Vice President of the Council has explained his views, and I appeal to him, what is there in the suggestion of these 2,000 teachers to which he can take the slightest objection. Why should he insist on the time table being fixed at the beginning or the end of the school hours? But I have before me another paper which is well worthy the attention of my right hon. Friend. It proceeds from the National Education Union, and is a very interesting and important document. The National Education Union has made a reference to all the school teachers in South Wales, and this paper consists of their replies in different columns, as to the religious difficulty, the practical working of the Time Table Conscience Clause, &c. Upwards of 100 answers were received. Here and there is a solitary answer in favour of the Government proposition; but the great majority declare that the plan proposed by the Government is almost impracticable. I hope the testimony of these competent witnesses will have due weight with the Government. The other point to which I desire to call the attention of the Government and the House is one of still greater importance, connected as it is with the question of religious instruction. The Government at first proposed to give the local Board power to decide what system of religious instruction should be adopted in the schools, and I was prepared to give that proposal my support; but from the first I felt that there was very great force in the objection that it was likely to prove a fruitful source of discord. I, therefore, do not complain, on the contrary, I am glad, that the Government have altered that part of the Bill. I must also admit that when proceeding to establish a system of rate-supported schools we are bound so to regulate all their arrangements as not to give reasonable offence to that portion of the public who contribute in aid of the system. I, therefore, do not complain that the Government have adopted the Amendment of the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), to exclude religious catechisms and formularies from the teaching in the schools. But I do wish to submit to the Government whether it is not desirable to go somewhat further than this. I do not object to the exclusion of the catechism and formularies; but I do object on the ground that religious teaching is left naked and unsupported, and I do not think that the clause, as it stands, is enough. We have had the broadest admission that the spirit of the people at this moment is in favour of religious instruction; if we have to thank the League for nothing else, we have to thank them for making abundantly clear that fact, which is being loudly proclaimed—that it is the feeling of the people that religion must be the very basis of education. I heard with greater pain and disappointment than I can express the general tone of the debate on the second reading. I was sorry that those put in the fore and front of the opposition were less anxious to produce a good and working measure than to make an attack upon the Church of England. I hope there will be an end to this, and that we shall now devote ourselves to the real question of a proper education for the neglected children who are now swarming in the streets around us. For myself, I have long contended that the education of the people should be founded on broad and liberal principles; I have always contended, under obloquy and opposition, for a Conscience Clause; but never for a moment have I contended for secular education, if by secular education it is meant that religious education should be banished from the schools of the country. To that I could never give my consent. I agree entirely with those who say—as has been said by the hon. Gentleman (Mr. H. Richard) in this debate—that "religion is the most important element in the education of a human being." But how is this education to be given? There is the practical difficulty, and the answer of the hon. Member for Merthyr Tydvil is that you must not entrust the schoolmaster with this task, that you must have nothing denominational, but that you must trust to the charitable exertions of the various religious ministers outside the school. All I have to say is that I have no confidence in it if that is to be the system. If there are hon. Gentlemen in this House who wish to make that the system, let them lay before us a distinct plan and let them tell us how it is to be carried out. But, Sir, we all know that the time, and the strength, and the exertions of ministers of religion in this country —whether in connection with the Church of England or otherwise—are already strongly tasked. We know that every minister of religion has his time fully engrossed, and his duty chalked out for him, and I am doubtful whether we could teach children religion by means of the ministers of religion alone. I wish that I saw the junior Member for Bradford (Mr. Miall) in his place; he is a high authority amongst Nonconformists, and I should like to read to the House a passage written by the hon. Member, which I think is one of great interest. The hon. Member for Bradford is a member of the League, and having been invited to attend the first great meeting held at Birmingham, and being from some cause or other prevented from attending, he wrote a letter accounting for his absence, and in that letter occurs the following passage:—

> "Whilst I attach high importance to unsectarian education, I am bound to say that I do not feel obliged to exclude the religious element from rate-supported schools. This much, I think, may be safely left to the decision of the local authorities, who might be authorized to open or close their schools if they pleased with some form of devotion, and to adopt the Bible as one of the books to be read — of course, protecting every parent from being compelled to send his children at that time. My reason is this—I feel that if on unsectarian schools an interpretation is to be placed which will be the rigid exclusion of all religion, the nation will lose the very best teachers for, *cæteris paribus*, they are the best teachers who bring the religious spirit and motive to their work. I am sure the working classes, as a body, would not be prepared to shut out Christianity altogether from the schools to which they send their children. It would be a mistake to tie up the hands of the teachers and make Christianity a forbidden thing to them."

Sir, I thank the hon. Member for his admission. I have a still further extract from another high authority whom I regret not to see opposite me, Mr. Bright —for it is so long since we have seen him that I suppose it is now no breach of Order to mention his name. He made a speech to his constituency last autumn, which was one of the most eloquent and powerful, perhaps, he ever delivered; and, on that occasion, he said—

> "What I think can be taught in every school to every child is love of truth, love of virtue, love of God, and the fear of offending Him. And I think that every right-minded, and every rightly-appointed teacher in any school in England will undertake, so far as is in his power, to teach that to any children under his control."

I entirely agree with that: and I ask, how can that which the hon. Member for Bradford (Mr. Miall) desires be accomplished, how can those things so happily expressed by the right hon. Member for Birmingham (Mr. Bright) be attained, except by reading and teaching the Bible? That seems to me the most obvious mode. In fact, the hon. Member for Bradford has said as much, and the point which I wish to press on Her Majesty's Government is this — I do not object to adopt the views of my right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple) and to say that from schools supported by rates you shall exclude those formularies which may give offence to the feelings of some. But I do submit that if you adopt the negative proposition to reject the formularies and the catechisms you ought to adopt the positive proposition that the Bible should be read. I believe that is the wish not only of Churchmen, but also of most, if not all, Protestant Nonconformists in this country. How are those infants, at whose education we are now aiming, to be grounded in their knowledge of the sacred volume, unless by allowing the teaching of the Bible to remain in these schools? I cannot accept the answer of the hon. Gentleman (Mr. H. Richard), that it should be done by the minister of religion coming into those schools. It is not enough to teach it in the Sunday-school alone; and to suppose that it will be taught in the homes of these children is an idle dream. No man who knows what the cottage dwellings of England are like in the rural districts, or what is the character of the lodgings of the artizans in our great towns, will ever contend that the elements of religion can be taught in such homes, or that the children, in this regard, can be entrusted to their parents. Such are the practical points to which I desire to call the attention of the Government. I wish to ask them to re-consider the arrangement with regard to religious education under the Conscience Clause, for if the right hon. Gentleman the Vice President of the Committee of Council does not hold out any hope of concession after the weight of authority I have brought forward, I shall feel it my duty to move an Amendment to alter the arrangement of the Government as to religious education being given before or after other instruction, although I have the most sincere wish to support the Bill. I have no objection to the time table, provided it is adopted under proper restrictions, and that the managers of the schools are left free to give religious instruction at such time as they think fit. Trusting that the Government will give their attention to these two points, I will conclude by expressing a hope that before the close of the Session this Bill may receive the Royal Assent.

MR. W. E. FORSTER: Sir, I am loth to interrupt thus early this most useful debate; but as I am the Member in charge of the Bill, I think the time has come when the House will expect me to state, on behalf of the Government, the reasons why we cannot accept the Amendment of my hon. Friend the Member for Merthyr Tydvil (Mr. H. Richard), and to make some remarks with regard to the changes which we have made in the Bill since it was brought in. I cannot hope to equal the hon. Member for the Universities of Edinburgh and St. Andrews (Dr. Lyon Playfair) in the eloquence and lucidity of his speech; but I wish to follow his example in taking each of the three clauses of which this Amendment is composed. In the first place, I will touch on that part of it which has been least referred to in the debate of this evening—namely, that part in which it is stated that "in any national system of elementary education the attendance should be everywhere compulsory." I have been rather disposed to regret that now, as in the debate on the second reading, our attention has been almost wholly directed to those clauses of the Bill that relate to what is called "the religious difficulty," and that the general scope and provisions of the measure have not been so much regarded. I am afraid that this "religious difficulty" will occupy our minds until we get into Committee. But when we do that, other clauses of great importance will demand attention, and among them will be, I do not doubt, that affecting compulsory education. I wish, however, to remind hon. Members that in voting against the Amendment of the hon. Member for Merthyr Tydvil they will not be precluded hereafter from voting in favour of compulsion if they wish to do so; and here I desire to point out that the hon. Member for Chelsea (Sir Charles Dilke) is wrong in saying that the alterations we have made in the Bill really affect the principle of compulsion. As originally brought in, the Bill permitted all school Boards to initiate compulsion. So it is now. Some hon. Members seem to think that we shall have fewer school Boards in consequence of the change; but I think there are influences at work which will both increase and lessen the number. One reason for the increase will be that we shall issue orders for the formation of school Boards as soon as we have ascertained the deficiency, and another is that the larger sum granted by Parliament will give them facilities for working. The school Boards will come into operation more speedily, and they will work more cheaply, and these are two reasons why their number should be increased rather than diminished. As regards compulsion, the only alteration we have made is in the Amendment of which I gave Notice a few days ago, but which now appears in the reprint of the Bill, to the effect that no by-law enforcing compulsory attendance is to apply to the religious teaching in any school. Without anticipating what I shall have to say hereafter as to the Time Table Conscience Clause, I wish to tell my right hon. Friend opposite (Sir John Pakington)—who has shown so great a desire to promote the cause of education—that his remarks and arguments will be thoroughly considered by the Government before we get into Committee on that clause, and to explain to him that one reason why we fixed the time for instruction in religious subjects at the beginning and the end of each school meeting was because we thought it would then be far easier to enforce the principle of compulsion in denominational schools than it would be without such an arrangement. It may be to the convenience of the managers and masters of schools to be able to give religious instruction when they please; but hon. Members will see that the attendance of children at school could be much more easily enforced if the parents know that religious instruction is to be given only at the beginning and end of each school meeting, while I wish to remind them that the instruction is not to be given out at the beginning and end of each school day, but at the commencement and close of each school meeting. I believe that many schoolmasters are in error on this point, and do not know that each day they will be able to have four classes for religious instruction. My hon. Friend the Member for the Universities of Edinburgh and St. Andrews, towards the close of his speech, brought forward some strong arguments in favour of a Ministry of Education; but although there are, no doubt, strong arguments for constituting a separate Department of Education, yet I cannot but think he is mistaken in supposing that the deficiency in the quality of education is owing to the organization of the Department. It is perfectly true that the deficiency in the quality of education throughout the country is almost worse—indeed, I think it is a more glaring evil—than the deficiency in its quantity, and what he says about the regret, the shame, the mortification we may feel in having so long voted millions of money, and, after all, obtained so slight a result, is also perfectly just. But it is not in the power of any Educational Department, however devised, to overcome this difficulty, unless you can get the children to attend the schools. If my noble Friend (Earl De Grey and Ripon) and myself, or if more able men, could give the whole of their time and attention to educational matters, it would not be possible for them to get the children to attend; and I want hon. Gentlemen to bear in mind that either now or before long we must face this question of attendance at school boldly. I am quite aware that our proposition for compulsion is illogical. Do not let it be supposed that we are so foolish as not to be aware that it is open to that complaint. But we doubted—and I confess I still doubt, true as I believe the principle to be—whether it is not so novel that it would be impossible to get this House to assent to its direct application universally over the country; and, even if this House did so assent, whether, in the present temper of the people, such a law could be easily enforced. I am well aware that it is easy to say that permissive compulsion is a contradiction in terms, and you may ask what we mean by saying that in a district where there is no school Board, because it has supplied its deficiencies, the managers are not to have the same power of getting the child to attend the schools as the manager of a district which has a school Board. Our proposition would be indefensible if it were a final one; but we have made it simply as an experiment. Permissive legislation, contemplated as a final result, has generally been a failure; but when adopted as paving the way to something further it has not seldom succeeded. The House will judge whether it is better to try this experiment under favourable auspices in the large towns, and see whether we may or may not advance further with the principle hereafter. At any rate, illogical though it may seem, I do not regret that this species of compulsion has been included in the Bill—first, because by our bringing it forward, and by the manner in which it has been received by the House and the country, one of our chief objects will have been attained—namely, that no district will be able to allege, as an excuse for not providing school accommodation, that it does not possess the means of forcing the children to attend school. But I think it is generally acknowledged that, either by direct or indirect compulsion, we shall have to meet that question. And, secondly, I believe it is one of those principles which, having been stated, will find its way. But passing to the other two clauses of the Amendment—which, after all, have occupied most of our time and our thoughts—I take the last first. It states that in any national system of elementary education the religious instruction should be supplied by voluntary effort, and not out of public funds. My first objection to these words is that they are very vague; it is hard to know precisely what they mean; and, if we are to have an abstract Resolution binding our policy on this important matter, it is, I think, not an unfair request that we should be told precisely what the words mean, that there may be no mistake about them. Already two or three interpretations have been put on them this evening. Some hon. Members have supposed that the words mean that in any national or public school religious instruction may be supplied, provided it be so supplied by voluntary effort and not out of public funds. Again, some hon. Members have seemed to suppose the Resolution might be met in this way—that in one school the secular instruction should be supplied, and in another school the religious instruction should be given. That is a point on which we ought to have definite information one way or the other. Again, does my hon. Friend, or does he not, mean, when he says that religious instruction ought not to be supplied from public funds, that he thinks the principle of national education should be that no school should be aided out of public funds in which there is religious teaching? I do not really know whether he means that or not. I can understand his Amendment being interpreted to mean that, and also its being interpreted not to mean it. It may be said that out of the public funds you only pay for the secular instruction in the schools; but if there be religious instruction in a school, and if you subscribe out of the public funds towards the school fund—towards the fund which the managers have for keeping up the school—inasmuch as out of their funds they pay for both the religious and the secular teaching, in aiding the school for the sake of its secular teaching you are paying for the religious teaching. It is quite possible to put that interpretation upon the Resolution, and before we are asked to decide upon it we ought to know exactly whether that is or is not what is intended. I rather gathered from a remark of my hon. Friend's that he did not wish that construction to be put upon it; because I understood him to say it was not right to take money derived from the general taxation of the country and apply it to the support of the religious instruction of any denomination. That would look as if he meant it to apply to the direct support of religious instruction; but I hope he or some of his friends will let us know exactly what he does mean, because upon that depends this important question—Does he mean to strike a blow not only against increased aid, but against all aid out of Parliamentary Grants to schools in which religious instruction is given? Some of my hon. Friend's arguments made me think he contemplated the more stringent construction of the Resolution; because he seemed to suppose that the principle of concurrent endowment was involved in all assistance to schools in which there was religious teaching. I have been told, during the last few weeks, that I perfectly misunderstand the difficulties of my Nonconformist Friends. I am sorry if that be so, for I have done my best to understand them, and I have watched their course for years past on all educational subjects with interest. But I have found this line not seldom taken—and my hon. Friend alluded to it—I mean that of specially contrasting the legislation which the Government are attempting on education this year with the legislation of last year. And I have often heard it asked—Can the same Government ask the same House of Commons which last year came to the conclusion to refuse to endow different forms of religious worship in Ireland to pass a Bill to endow different forms of religious teaching in every parish in England and Wales? I think I am not unfairly putting the argument. Now, in the first place, I think there is a great difference between the religious worship of adults and the religious teaching of young children. But I do not dwell on that. I think the difference is much greater than that. I hope I shall not be deemed disrespectful in saying that I think my hon. Friend, and some of those who agree with him, have not fully realized their new position in supporting or being willing to accede to any system of State education at all. For years, from most conscientious motives, my hon. Friend, and also the hon. Member for Leeds (Mr. Baines)—who, if I am not mistaken, does not agree with my hon Friend in this matter—for a long time those hon. Gentlemen took a decided stand against the State interfering in any way with primary education. Well, but now they have given up that position, and, greatly to their honour, have come forward and candidly stated their reasons for doing so. My hon. Friend says he has still some doubt whether he ought to have given it up. But will he allow me to say that I think he has not exactly realized where he is, because he must remember this in contrasting education with religious worship — the State lets religious worship alone. That is what we decided to do in Ireland last year, thinking that it would do harm for the State to interfere. But the State does not let education alone. That makes the great difference. The State comes forward and proposes to declare that education shall be compulsorily provided, and already by indirect compulsion it says that the school shall be compulsorily attended, and it looks forward to still further compulsion. But then we have to consider the feelings of all the inhabitants of the State, and we find that there is a conscientious objection on the part of many to religion being combined with education, or rather to their being obliged to pay for a religious teaching with which they do not agree. But, on the other hand, there are hundreds of thousands, who have a conscientious objection to religion being separated from education. They are taxpayers, they are ratepayers, they have rights, and my hon. Friend is not in a position to say — "I have nothing to do with your religious education and the State should have nothing to do with it," because he has already assented to the interference of the State. All these people object to religion being separated from education, and this objection I think my hon. Friend would find to be very strong if he carried his Resolution, and had to frame a Bill accordingly. But probably my hon. Friend would be willing to admit that the public funds may be given to a school in which there is religious teaching, provided the money be given for secular instruction, and that care be taken that it is not larger in amount than the secular education of the school would justify. Well, if that be my hon. Friend's meaning, the difference between him and me is narrowed to a small point. I am not now talking of an increase of the grant to voluntary schools; but we have narrowed our difference to this—that he does not object to our present grants to denominational schools for secular education, nor upon the same principle could he object with regard to future grants, but he does object to them for rate-provided schools. Now, let us look into the case with regard to these schools. And here the House will allow me to say a word in defence of our Bill as it originally stood, and as with its modifications it still stands, with respect to rate-provided schools. We have been told that in leaving discretion to the school Boards we shirk the religious difficulty. No charge has been more frequently made against us. Perhaps I may give to that charge a very sufficient answer, at least what appears to my mind to be such. We left that power to the school Boards, because we thought it a matter for the parents much more than for the House of Commons. We thought the question involved would be much easier to decide according to the wishes of the parents, if it was left to each locality to determine as the varying circumstances might require, than if we were to attempt to lay down one rigid rule, when we did not know all the circumstances, and could not know the exact wishes of the parents. Then, it is also said that in remitting the matter to the school Boards, we absolutely underrated the difficulty of the task which we had to perform. I have been often told how mistaken I was in underrating the religious difficulty. Well, I must repeat that in one respect I do not believe I did underrate it. I never for a moment supposed that there was not a difficulty in passing the law; but I thought then, and I think still, that there would be no difficulty in working the law. It is a difficulty which we make for ourselves. I do not mean that it is not a real difficulty in the minds of my hon. Friend, and of conscientious men who think with him. It is a very great political, Parliamentary, and polemical difficulty; but it is not an educational difficulty. It would have been inexcusable in me if I underrated it, for, as a Parliamentary difficulty, I have worked long enough in the cause of education to know that this religious difficulty has kept our children in ignorance at least for the last 10 years, and it rests very much with my hon. Friend and the hon. Member for Birmingham (Mr. Dixon) whether this difficulty is to keep the children of England uneducated for another year. This difficulty has to do with controversies among sincere men of different persuasions, among ministers of different denominations. It has to do with social but not so much with school arrangements. It is a most formidable difficulty in Parliament, but a very small one as between the parent of the child and the schoolmaster, and still smaller between the schoolmaster and the child. Now, may I ask the House for a moment to try to rise above this difficulty, or to get below it, and to look at the matter from the purely educational point of view, from which it is my duty to look at it? I should be unfit for my place if I did not consider this question as regards the interests of the children, and I want the House to look at it in that way. I am inclined to ask the question, how many Members of the House are practical managers of schools? because I have found that just in proportion as men have to do with the practical management of schools, they think less of the religious difficulty. Here is an argument that is very often used—"Oh," it is said, "you can get over the whole difficulty very easily. Let the secular teaching be given during school hours, and then let the building be accessible to the schoolmaster or the ministers of the different denominations out of school hours. In that way you can get your secular instruction, on which all agree, provided out of the public funds, and you will get your religious instruction at proper times, and so everybody will be satisfied." Now, it has been my fate to receive many deputations and many letters on this subject. I have had a vast number of suggestions offered which I sometimes think would make a volume that might amuse, and, in many respects, inform the public. But just allow me to read a portion of a letter from a lady who has devoted a great part of her life to education—and I quite agree with my hon. Friend the Member for Leicester (Mr. P. A. Taylor) that in future, as in the past, we shall get no greater help in matters of education than from ladies. After contradicting the assumption that the chief hostility to secular schools springs from denominational ardour, the writer says—

> "But the heart and soul of this hostility is found in a very different motive, in the ardent desire that the little children of our land should not be deprived of the blessing of such simple Christian instruction as suits their tender age—that the thousands and tens of thousands of them to whom the common school will be their sole point of contact with any humanizing and civilizing influences should not find the value of that contact reduced to its lowest degree by the abstraction from it of all the knowledge, all the warmth, and all the love which religion brings with it, both for teacher and taught. This is their one desire, and for the sake of this they are ready to sacrifice much that they feel they might justly claim—special avenues of influence, special forms and modes of teaching which many of them hold dear. Is it possible that those who talk so easily of religious lessons to be given 'out of school hours' by the various denominational clergy have ever considered what this means? What the chances are of accomplishing it? How it accords with their cry for universal compulsion as the only possible means of getting children even into the day-schools, though these day-schools, with their gift of secular knowledge, represent, as the poor well know, bread and butter and advancement in life? In the day-schools the children are at work, with an interval for dinner, from 9 to 4 or 5 o'clock. Has any Nonconformist minister ever tried to gather the tired little ones of his flock for a Bible lesson before or after those school hours, or to persuade the busy mother to spare the elder ones for another hour's schooling? Has he found it a more hopeful task to collect a volunteer class on their Saturday holiday? How many of the children of the upper classes would he collect of their own goodwill for a Bible lesson on their one holiday? Is it not obvious that out of the 100 or 200 children who attend a school only the few exceptional children will come in time, or those whose parents take such an exceptional interest in their children's religious training that if all were like them the whole vexed 'religious difficulty' would fall to the ground to-morrow, because the children's Christian training would be—where it ought to be—in the hands of their parents. But surely it needs no proof that these weekly lessons out of school hours are for the mass chimerical. There remain the Sunday-schools, whose influence is indeed most valuable; but probably those who know them best would be least willing to lay upon the weekly hour or two in the Sunday-school the whole burden of a child's religious education, the whole stress of counteracting a neglectful home and a vicious and degraded neighbourhood. And, as before, the children who most needed it would not be found there."

Now, these are practical words, and I wish to try and find out how the work is done throughout the country, and how we can help to carry it on. Let it not be supposed that I do not think there are a number of poor parents who look after their children as much as we look after ours; but it is not so much for the children of these parents as for the children of parents who neglect their duty that we should be anxious. I never made a remark which more thoroughly met with the approval of an audience of working men than when I said—

> "Each of you has a pauper or a criminal upon his back, and it is for those paupers or criminals that we work this educational system much more than for you."

The hon. Member for Stroud (Mr. Winterbotham) says the religious teaching he would have is the reading of the Bible, without note or comment. Is my hon. Friend a practical manager of a school? A rather curious fact in connection with this point came under my observation. A deputation came to me from two vestries—those of Newington and Camberwell. One of the gentlemen said to me that, with my hon. Friend, he thought the Bible should be read in the schools without note or comment; but several of the gentlemen who came with him differed from him in that view. I asked the gentleman who was for the reading of the Bible in that way, whether there were any schoolmasters on his Vestry Board? He replied in the affirmative, and it appeared one of those schoolmasters, the very efficient master of a British school, said he could not understand how any man who had ever been inside a school could say that the way to meet the difficulty was by having the Bible read without note or comment. If this debate had occurred before Whitsuntide, I should have asked every hon. Member to go within a school and inquire of the schoolmaster how he thought he could get on with the Bible without note or comment. We are thinking of ourselves—we are supposing the case of men who have received a University education when we say—"You cannot give children a religious education without mixing up some particular form of theology with it. They would not tolerate religious instruction in which there was not doctrinal teaching." Really, it is not of poor little children we can be thinking when we imagine such things. For children—most of whom are under ten years of age—what does reading the Bible without note or comment mean? It means treating the Bible as you treat no other book, because no other book would the schoolmaster venture to make a class of children read without explaining the long words. Meeting a gentleman who said that to read the Bible to children without note or comment would be to treat it as you would treat any other book, I said to him — "You never can have been within a school." The only way to fix a lesson on the attention of children is to examine them and find what sort of an interpretation they have put on it themselves. Therefore, being practical men, we need not trouble ourselves much about the Bible without note or comment. Nor need the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) have much fear that we shall turn the schoolmasters into a sacerdotal class. I was going to ask the impertinent question whether the right hon. Gentleman is a school manager? [Mr. DISRAELI: I am a manager, and I attend to the duties.] As the right hon. Gentleman is a manager, I am quite sure he attends to the duties with great interest; but if he has seen anything that makes him apprehend the teachers will become a sacerdotal class —if he finds that they think it their duty, or make it their practice, to give theological education, his experience has been different from mine. They know too well the capacities of the children. What manager has found a schoolmaster so foolish as to attempt to drive theological doctrine into their poor little heads? It would be useless labour. What it is found the children can appreciate and apply are the great moral and spiritual lessons of the Bible. Children cannot be expected to understand the mystery of the Trinity; but what they can understand is —"Do unto others as ye would that they should do unto you." And these are the lessons which parents generally wish should be enforced on their children. You might as well say that all the parents in the country will become a sacerdotal class. While the child is in school the schoolmaster holds the place of a parent, and he cannot become a sacerdotal character except we are to regard every head of a family as a priest. The right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) seems to think that the teacher might feel it necessary to explain the Athanasian Creed, and my hon. Friend the Member for Merthyr Tydvil quoted the opinion of a Bishop. I can refer him to the opinion of another Bishop, Dr. Temple, who has himself been a schoolmaster, and who, on Saturday last, said he believed the religious difficulty was immensely exaggerated, and that once we were inside the school it vanished. We are afraid not that the schoolmasters will teach theology, but that one system of theology will gain some advantage over another. We do not say it will have done so; but we are afraid that it will be said to have done so. The organization with which my hon. Friend the Member for Birmingham (Mr. Dixon) is connected, and which I still think has been useful, though I differ from those who manage it, has been driven into a more secular position. I think my hon. Friend himself will acknowledge that. That organization has been holding meetings of what may be called the *élite* of the working classes. Let us therefore see what has been the result of these meetings. At one, held a few days ago, with Mr. Spurgeon in the chair, there was an animated discussion as to whether Bible reading should not form part of the instruction in the schools. A resolution declared that the meeting had no wish to prevent the reading of the Bible; but one of the speakers went further, because he spoke of the Bible as the grandest of school books. Then there was a meeting in the borough which I represent (Bradford). It was quite right that the gentlemen who organized the meeting should have given my constituents an opportunity of saying what they thought of me. At that meeting "reading and instruction from the Bible" were approved; but it was resolved to oppose the use of all creeds, catechisms, or formularies. I may also refer to an interesting little book, entitled *One Square Mile in the East End of London*, which has lately been published by Mr. Bartlett. In that district of one square mile in the East-end of London, containing about 150,000 persons, he made a house-to-house visitation for the purpose of investigating the actual extent of educational destitution, and of ascertaining the wants and wishes of the people themselves. As the result of the investigation and visitation so conducted, he found that the educational destitution was terrible—quite as bad as at Liverpool, Manchester, Leeds, or Birmingham. Taking the population at 150,000, the children between the ages of three and 14 might be assumed at 40,000 in number, and of those 29,000 within the space of one square mile were growing up in almost, if not complete, ignorance. This gentleman also tried to ascertain what views were held by the parents as to the religious difficulty, and the information which he obtained is set forth in the appendix. I must say, from all I can learn, that he appears to have gone into this question entirely and absolutely unprejudiced. The feeling of those whom he consulted was strongly in favour of some religious teaching, though as to the precise nature of this teaching very different views were ascertained. One said it should be founded "on the Bible and Dr. Watts's catechism;" but there were only two cases in which religious teaching of some kind was not regarded with favour. Will the House allow me to read some of the remarks which were made to this gentleman by the parents, which are more important for our purpose than any remarks of his own? Here is a very dirty, almost a filthy nook, serving for children and parents and all, for the father cannot afford a second room—evidently not the *élite* of the working classes, but still the very class for which we are legislating. And what said the poor mother? The mother said she would strongly object to no religion being taught; she would rather send the children to the schools of another Dissenting sect to which she did not herself belong than send them where no religion was taught. Here, again, is a man, a shoemaker, who has evidently had a hard struggle; he has 11 grown-up children, and the youngest go to school. My hon. Friend the Member for Chelsea (Sir Charles Dilke), and my hon. Friend the Member for Birmingham, will pay attention, I have no doubt, to this case. The father was strongly in favour of compelling parents to send their children to some school; but he was also strongly against schools where no religion was taught. He also would rather send his children to the school of a different sect than to one where no religion was taught. Then comes a nice tidy family, with three or four children, one of whom was at school; the parents strongly objected to compulsion—

> "Would not allow children to go to a school where religion was not taught, but would not mind their going to a school teaching a different doctrine to their own." "In another house there were two widows, one with five young children and very poor, the other with a large family, all of whom were grown up and had been to school; neither, on any conditions, would send her children to a school where there was no religious teaching, but did not object to schools managed by a sect to which she did not herself belong."

These widows, though poor, were probably ratepayers, or, at any rate, taxpayers. My hon. Friend the Member for Stoke (Mr. Melly) drew a distinction between ratepayers and those who prefer denominational schools. I exclaimed against that distinction, for you cannot put on one side ratepayers, and on the other those who like denominational schools, because a vast number of ratepayers do like denominational schools. There is one other case—and it is the last I will read—which shows that when you get down lower in the scale you will still find existing deep down in the minds of denominational schools. Now, we have good reasons for increasing these grants. In establishing these rate-provided schools without catechisms, we do so because we believe the majority of the country wants us to give a hint to the school Boards that they shall have nothing to do with religious controversy; but, although this is the desire of the majority of the country, there are important minorities who very much prefer catechisms and formularies; and these the hon. Member for Stoke thinks should not be encouraged, because he says if the national plan he advocates be adopted they will soon see the error of their ways, and fall in with the national system; but we think they should be considered, and when we take their money to support schools they do not approve we should give them some equivalent; in fact, when we take their money we are bound to give them back that education for which we make them pay. There is a class who wish for catechism schools, and there is another class who though they might object to a school which was not denominational, yet would prefer one that was, and of their own connection. We have always felt we have to meet these two classes, and in the first Bill we proposed to meet them by Clause 22, in which we gave to the school Board the option to assist denominational schools. Hon. Members will remember the Bill introduced by myself and the Secretary of State for the Home Department in 1867. The principle of that Bill was to make good the deficiency in educational means by rates to be applied to the assistance of all denominational schools; and although my hon. Friends look with perfect horror upon such a proposal now, I must remind them that when that scheme was discussed at Manchester for a day or two, what is called the Nonconformist objection to it was never so much as started. I do not complain; but I must express my surprise that we were not informed of this difficulty before. The name of Mr. Cobden has been mentioned in this debate, and his remarks have been quoted in favour of a secular system, not because he preferred it, but because he thought it was his only hope. That was Mr. Cobden's opinion 20 years ago; but would he commit us in that way now? He put his name to the Bill of the right hon. Member for Droitwich (Sir John Pakington), a Bill which was the parent of the measure introduced by myself and the Home Secretary. That Bill gave rate aid to every denominational school willing to accept the Conscience Clause; we adopted that principle, but did not make it compulsory. But many Amendments to that clause were placed on the Paper, and finding there was so strong an objection we have replaced it by a Parliamentary Grant in the manner proposed by my right hon. Friend at the head of the Government. The hon. Member for Stoke has treated that clause as if it were likely to pass from the House amended by the hon. Member for Birmingham, who would make denominational teaching impossible in a rate-aided school as in a rate-provided school; but to that Amendment, of course, the Government could not have consented. We could not resist the conclusion that it was our duty to assist those ratepayers who preferred denominational teaching, and we have to assist them all the more now that we have assented to the principle of the Amendment of the right hon. Member for South Hampshire. At the same time, while we make it clear that we shall only give aid for secular results, we undoubtedly secure that religious teaching shall be paid for, as my hon. Friend wishes, by voluntary aid. There is another recommendation of this change; by taking away the option from Boards, whether they shall or shall not help denominational schools, we take away one of the greatest grounds on which they can dispute about religious teaching. Further, the rate that will have to be levied will be less. There is justice in the feeling that a rate is not the fairest way of collecting money for education, though I think it the best means of filling a gap; and in reducing the rate we shall so far meet the views of those who object to rates. On studying the practical operation of the Bill I saw more practical objections than I at first anticipated to the year of grace, and that it would be a cause of delay. In some rural parishes I doubt not it would be a considerable stimulus; but in towns, especially in large towns, where it was certain the rate would be levied, it appeared probable that it would cause a stoppage of effort; for subscribers, knowing they would be rated, would be unwilling to increase their payments voluntarily. I think the argument in favour of the year of grace is taken away by the large additional grant we offer; because it will be easier for a voluntary school to carry on its operations, and, therefore, the special stimulus of this year of grace will be the less required. This alteration makes it clear that during the progress of inquiry we shall take into account not merely the actual supply of deficiency, but any beginning of such supply which we have reason to suppose will be completed. Words are introduced which show that that is clearly our object; and the remark is true that, although we have given power to the Privy Council to insist on the deficiency being supplied immediately it is proved to exist, yet, with all possible labour on the part of the Department, it must be many months before inquiry can be completed, and that time will practically be a year of grace. I cannot but think that the educational advantages of a larger Parliamentary Grant will be great. We shall still give our money for value received; but many of the educational difficulties now pressing upon us will disappear with somewhat more money given. The small rural school difficulty, for instance, will largely disappear. I must honestly state I do believe that, although our Bill, as originally framed, was, perhaps, more consistent in theory, yet that as now changed it will come more quickly into operation, and work with less friction. Undoubtedly the best place in which to have made these changes would have been in Committee; but with the feelings of the country and the House before us, we thought it our duty to make them at this stage. On behalf of the Government I must state that as regards the substance of these clauses, and as regards the matters of which they treat, the House must expect no further changes from us. I do not mean to say we shall be pledged to exact words, they are matters which must be discussed and decided in Committee; but I must state, on behalf of the Government, that we have considered the whole of the religious question, and we present the Bill to the House in the form in which we think we must adhere to it. I do not wish to be presumptuous, or to dictate to the House; but it is only fair to the House to state that upon those who reject these clauses in their substance must rest the responsibility of defeating the Bill and preventing the settlement of the education question this year. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) says we have not the face to call this a national measure. Well, I have not called it so in the Title; I have said nothing about it in the Preamble; but I do believe it to be a measure of national education, because it will provide for the education of every child in the nation. It offers school provision for every child; it strives, as regards religion, to give such education to children as their parents wish them to have; and therefore I think I am not presumptuous in stating that it may be called a national measure. It makes possible the compulsory attendance which the hon. Members for Brighton (Mr. Fawcett) and Chelsea (Sir Charles Dilke) are so anxious for; it lays the stone on which that edifice may be built; and it must be admitted that you cannot compel attendance until there are proper schools to attend. It protects the consciences and respects the feelings of every parent. When the Bill paves the way for compulsion, protects the consciences of parents, provides the means of education, and brings them home to every hearth in the kingdom, hon. Members should seriously consider, if they take upon themselves the responsibility of its refusal, what they will do. They will put off the education question for another year, and that is no trifling matter in our present state. But it is not education merely that they will be putting off. If education be made the work of next Session, other questions, such as the licensing laws, sanitary legislation, the revision of the factory laws, incidence of rating, financial arrangements of counties, and the difficulties attending the government of this great metropolis must be put off. What will hon. Gentlemen gain by the delay? If we have a year's delay, we shall have an autumn of agitation; and will the problem be solved under more favourable conditions next year? I believe not. I believe a Bill very much like this would be carried; but after hot and embittered discussion it would not, when passed, be likely to work so well. Perhaps hon. Members believe they would gain a secular system; but I believe they would not; for great forces, which are slow in showing themselves, would denominational schools. Now, we have good reasons for increasing these grants. In establishing these rate-provided schools without catechisms, we do so because we believe the majority of the country wants us to give a hint to the school Boards that they shall have nothing to do with religious controversy; but, although this is the desire of the majority of the country, there are important minorities who very much prefer catechisms and formularies; and these the hon. 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Undoubtedly the best place in which to have made these changes would have been in Committee; but with the feelings of the country and the House before us, we thought it our duty to make them at this stage. On behalf of the Government I must state that as regards the substance of these clauses, and as regards the matters of which they treat, the House must expect no further changes from us. I do not mean to say we shall be pledged to exact words, they are matters which must be discussed and decided in Committee; but I must state, on behalf of the Government, that we have considered the whole of the religious question, and we present the Bill to the House in the form in which we think we must adhere to it. I do not wish to be presumptuous, or to dictate to the House; but it is only fair to the House to state that upon those who reject these clauses in their substance must rest the responsibility of defeating the Bill and preventing the settlement of the education question this year. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) says we have not the face to call this a national measure. Well, I have not called it so in the Title; I have said nothing about it in the Preamble; but I do believe it to be a measure of national education, because it will provide for the education of every child in the nation. It offers school provision for every child; it strives, as regards religion, to give such education to children as their parents wish them to have; and therefore I think I am not presumptuous in stating that it may be called a national measure. It makes possible the compulsory attendance which the hon. Members for Brighton (Mr. Fawcett) and Chelsea (Sir Charles Dilke) are so anxious for; it lays the stone on which that edifice may be built; and it must be admitted that you cannot compel attendance until there are proper schools to attend. It protects the consciences and respects the feelings of every parent. When the Bill paves the way for compulsion, protects the consciences of parents, provides the means of education, and brings them home to every hearth in the kingdom, hon. Members should seriously consider, if they take upon themselves the responsibility of its refusal, what they will do. They will put off the education question for another year, and that is no trifling matter in our present state. But it is not education merely that they will be putting off. If education be made the work of next Session, other questions, such as the licensing laws, sanitary legislation, the revision of the factory laws, incidence of rating, financial arrangements of counties, and the difficulties attending the government of this great metropolis must be put off. What will hon. Gentlemen gain by the delay? If we have a year's delay, we shall have an autumn of agitation; and will the problem be solved under more favourable conditions next year? I believe not. I believe a Bill very much like this would be carried; but after hot and embittered discussion it would not, when passed, be likely to work so well. Perhaps hon. Members believe they would gain a secular system; but I believe they would not; for great forces, which are slow in showing themselves, would be opposed to them. I believe 10 years would have to be added to the time that has been lost before these hon. Members could carry the principle of a secular system. Resting upon that one argument which, from his great love of education, will be all powerful with the hon. Member for Birmingham (Mr. Dixon), I think he will be content to carry out part of his principle rather than keep children untaught until he can carry out the whole. And suppose that by these years of delay you can gain your object and establish a secular system; what even then will you have gained? You will have destroyed before you have built up. You will have disbanded the army which is now fighting against ignorance before you have drilled another. [An hon. MEMBER: No, no!] My hon. Friend says "No, no;" but does he suppose that these men, who are possessed of educational ardour from religious motives, will then be in the field against ignorance? Why, he will drive them out, or, at all events, they will be subjected to painless extinction. Even if my hon. Friend be right in his object, let him reflect that Rome was not built in a day, and that it is not wise for a general to disband his army, even though he may think it is not altogether a good one, before he has formed another. The mass of ignorance, destitution, misery and crime which we have to contend with my hon. Friend the Member for Merthyr Tydvil, and also the hon. Member for Birmingham, have been fighting against all their lives, and will they not consider whether we ought not to welcome all allies, and make use of all forces we can bring to bear against those evils—not only the demand of working men for the education of their children, but even the force of religious and denominational zeal, which still supplies us with many most active combatants? I hope they will consider this in the interests of the cause they have at heart, and will come to the conclusion that we must pass a measure this year. It is not for me to say what will be the issue of this debate. I do not wish to check it if hon. Members are anxious to express their opinions; but if it is desirable to do this work in the present Session, we ought to set about it as quickly as we can. Even the hon. Member for Merthyr Tydvil will have a full opportunity of discussing all these matters in Committee, and I think it would be better that we should go into Committee at once. Indeed, I am quite sure that if he does not succeed—and I think he will not—in carrying this Amendment he will be content with the protest he has raised, and will not attempt to obstruct the Bill merely because it does not carry out precisely his own views. In conclusion, I hope the House will support us in the line we are obliged to take of opposing the Amendment.

MR. MIALL moved the adjournment of the debate.

Debate *adjourned* till *To-morrow*, at Two of the clock.

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### PILOTAGE BILL.—[BILL 25.]

(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld.*)

SELECT COMMITTEE.

MR. SHAW LEFEVRE said, he rose, pursuant to Notice, to move that Mr. Childers be discharged from further attendance on the Select Committee on the Pilotage Bill, and that Mr. Baxter be added to the Committee.

Motion made, and Question proposed,

"That Mr. Childers be discharged from further attendance on the Select Committee on the Pilotage Bill."—(*Mr. Shaw Lefevre.*)

SIR HENRY SELWIN-IBBETSON said, he must object to such a proceeding on the ground that it was not advisable to establish such a precedent. The Committee had sat more than 20 times and taken a mass of evidence. As the representative of the Government had not hitherto taken any part in the proceedings of the Committee they could not be considered of sufficient interest to justify the present Motion, which was an unusual one, and the adoption of which might lead to many difficulties in future. He, therefore, begged to move that the debate be now adjourned.

MR. SHAW LEFEVRE said, the First Lord of the Admiralty was seriously indisposed, and his medical advisers had recommended him to avoid exertion. It was quite true his right hon. Friend (Mr. Childers) had not attended the meetings of the Committee; but he had studied the evidence, and had been in constant communication with the Board of Trade on the subject. As he was no longer able to attend, it was thought desirable that the Secretary to the Admiralty should do so. Notice was given of this Motion on Friday last, and the

Committee would meet to-morrow to consider its Report. There was nothing unusual in substituting one Member for another towards the close of a Committee's deliberations.

MR. C. S. READ stated that when the Committee on the Foreign Cattle Market Bill was sitting, the hon. Baronet (Sir Matthew Ridley), who then represented Northumberland, was taken ill, and the Gentlemen who now sat on the Treasury Bench, but who were then in Opposition, successfully opposed the appointment of the hon. Member for Devonshire (Mr. Kekewich) in place of the hon. Baronet to whom he had referred.

MR. J. S. HARDY said, the Committee had accumulated such a mass of evidence that it was impossible the Secretary to the Admiralty could have read it since last Friday, and, as the Committee were considering their Report, the hon. Gentleman could only join the Committee to carry out a foregone conclusion.

MR. GOSCHEN said, he would remind the hon. Member for South Norfolk (Mr. C. S. Read) that the Bill to which he had referred was a hybrid Bill, and the Committee heard counsel.

MR. P. WYKEHAM-MARTIN said, it had always been customary to secure the due representation of both the front benches in such a Committee. He thought the Secretary to the Admiralty would be likely to know as much about the proceedings of the Committee as the First Lord, who had only attended once.

MR. GOURLEY said, he felt sure the Secretary to the Admiralty would be able to read up the evidence and be competent to act on the Committee.

MR. DILLWYN said, he must oppose the Motion as tending to the establishment of a dangerous practice.

MR. BRUCE said, he hoped the Committee would not divide on this Motion in the absence of the right hon. Gentleman concerned, who had transmitted his opinion to the Secretary to the Admiralty, who represented a great Department of the Government. He thought that for the hon. Member to persevere with this Motion would be an act of discourtesy towards the Government.

SIR JAMES ELPHINSTONE said, he hoped his hon. Friend would persevere with his Motion, for a more extraordinary case had never been brought before the House. It would be establishing a dangerous precedent to allow such a change to take place, for the purpose of securing a majority to the Government on the Report. The Committee had under its consideration a technical and professional matter, and it was impossible for the Secretary to the Admiralty to give an opinion on the Report without having heard the evidence.

MR. STANSFELD said, he would appeal to the kindness of the House. His right hon. Friend had not left London, and, unwell as he was, if his attendance was necessary, he would remain and attend on the Committee; but he asked the House out of consideration to him to consent to the change proposed.

MR. PEMBERTON said, he thought the right hon. Gentleman had not put the matter fairly. Such a proposition with respect to any other tribunal would not be entertained for a moment. No Judge would ever dream of giving a judgment on a case in which he had not heard the whole of the evidence. The Report might be postponed until the right hon. Member could attend.

MR. AYRTON said, this Committee was a large and public one. It was a common practice on such Committees to substitute Members even at a late period, and, if that course could not be adopted, it would be difficult to proceed with the business of Public Committees. It was not necessary for every Member to hear all the evidence, which was printed, and could be fully understood by a Member who had not regularly attended.

Motion made, and Question put, "That the Debate be now adjourned."—(*Sir Henry Selwin-Ibbetson.*)

The House *divided*:—Ayes 83; Noes 91: Majority 8.

Original Question again proposed.

SIR JAMES ELPHINSTONE moved that this House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Sir James Elphinstone.*)

MR. SHAW LEFEVRE said, he must appeal to the House not to call upon his right hon. Friend the First Lord to attend this Committee. The right hon. Gentleman was advised by his physician not to attend; but was ready to do so if necessary.

MR. R. N. FOWLER said, that the proceedings of the Government were very like an attempt to introduce the system of voting by proxy.

Mr. COLLINS said, he would suggest that the First Lord of the Admiralty should be discharged, and then they might consider whether another Member should be appointed in his room.

Mr. RUSSELL GURNEY asked whether it would be inconvenient that the consideration of the Report of the Committee should be postponed?

Sir HENRY SELWIN-IBBETSON said, he thought there would be no objection to that course. He should deeply regret taking any action which would force the First Lord to attend the Committee while in a state of ill-health, and he had had no such object in making his proposition.

Mr. SHAW LEFEVRE said, if compulsory pilotage was to be abolished, it was highly desirable that it should be done at once. He should have no objection to the postponement of the Report for a few days, so as to enable the Secretary to the Admiralty to read the evidence; but, if it were postponed until the recovery of the First Lord, probably the Bill would not pass this year.

Mr. J. S. HARDY said, this was an admission that the Secretary to the Admiralty had not read the evidence yet.

Motion and Original Question, by leave, *withdrawn.*

### TELEGRAPH ACTS EXTENSION BILL.

Select Committee to consist of Seven Members:—Marquess of Hartington, Sir Stafford Northcote, and Five to be nominated by the Committee of Selection.

### CATTLE DISEASES (IRELAND) BILL.

Act read; *considered* in Committee.

(In the Committee.)

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend "The Cattle Diseases (Ireland) Act, 1866."

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.

Bill *presented,* and read the first time. [Bill 174.]

### CURRAGH OF KILDARE BILL.

On Motion of Mr. Chichester Fortescue, Bill to confirm the Award under "The Curragh of Kildare Act, 1868;" and for other purposes relating thereto, *ordered* to be brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.

Bill *presented,* and read the first time. [Bill 175.]

House adjourned at a quarter before Two o'clock.

# HOUSE OF LORDS,

*Tuesday, 21st June,* 1870.

MINUTES.] — Public Bills—*First Reading*—Salmon Acts Amendment* (147); Stamp Duty on Leases* (148); Sale of Poisons (Ireland)* (149); Local Government Supplemental* (150); Contagious Diseases Prevention (Metropolis)* (151).

*Second Reading* — Married Women's Property (125).

*Committee*—Pier and Harbour Orders Confirmation (110); Felony* (90).

*Committee—Report*—Drainage and Improvement of Lands (Ireland) Supplemental* (57).

*Third Reading*—Appellate Jurisdiction* (144), and *passed.*

## NEW PEER.

The Right Honourable Thomas O'Hagan, Chancellor of that part of the United Kingdom of Great Britain and Ireland called Ireland, having been created Baron O'Hagan of Tullahogue in the county of Tyrone—Was (in the usual manner) introduced.

## MARRIED WOMEN'S PROPERTY BILL.

(*The Lord Cairns.*)

(No. 125.) SECOND READING.

Order of the Day for the Second Reading, read.

Lord CAIRNS, in moving that the Bill be now read the second time, said, that though the Bill necessarily dealt generally with the whole subject of the property of married women, its main object was to meet the case of married women in the humbler classes of life, especially those who were in the habit of working for wages, or acquiring earnings for the support of themselves and their families. It had been established by evidence of the clearest kind—the heart-rending details of which it was happily unnecessary to enter into, that in most of the manufacturing districts, especially in the North of England, there were abundant instances in which poor and industrious women, who had exerted themselves to maintain their families, or to the assistance of their maintenance—after working very hardly for very small wages—had been exposed to the evil of having their small earnings pounced upon from time to time by intemperate, idle, or dissolute husbands, and expended on purposes entirely foreign to the support of the family.

The reason that such a state of things was possible was that marriage, as all their Lordships knew, vested in the husband all the personal property of the wife. Such was the common law; but, at the same time, the rule had proved so inconvenient in practice, that wherever there was any amount of property sufficient to justify it, the common law was set aside by settlements by which a separate provision was secured to the wife. The Court of Chancery, moreover, had very extensively and beneficially modified the doctrine of the common law, even where there was no settlement, where the amount of property justified its interference, and where that interference could be invoked. Its temper had always been to insist that wherever property devolved upon the husband in right of the wife, an adequate portion of such property should be settled on the wife and children, in derogation of the otherwise absolute right of the husband. The evil with which the Bill sought to deal was a very great one. Now, according to the last Census the entire number of married women in England was somewhere about 3,000,000, of whom he believed he had grounds for saying that about 800,000 earned wages in some shape; so that the class to be dealt with was a very considerable one. There was a marked difference in this matter between the upper and the lower classes of society. While the upper classes were protected against the absolute rule of common law by means of settlements and by the resort which they had to the interposition of the Court of Chancery, the humbler classes had no protection except that show of it which was provided at the instance of Lord St. Leonards in the Divorce Act, which empowered a magistrate to grant an order to a wife deserted by her husband, protecting her future earnings against his interference. This was obviously insufficient, for the hardest cases were those where the husband did not desert his wife, but clung to her for the sole purpose of plundering her from time to time of her earnings. Our law differed in this respect from that of most other countries. In all Continental countries, to a greater or less extent, laws had been adopted more favourable to married women: and if we look to those great communities across the Atlantic that had sprung from ourselves—the United States and Canada—it would be found that they had abrogated our common law in this matter, and had adopted legislation similar to, or in the direction of, the present Bill. Three remedies had been proposed for the evil. The first was an extension of the system of protection orders; but these, at present, did not reach the worst cases—those where there was no desertion; and it was unwise to require a poor working woman, as a condition of protection, to present herself in a police court for the purpose, as it were, of effecting a separation of interests, and of suggesting a complaint against her husband, thereby provoking that want of domestic harmony which it should be their object to avoid. The second remedy was a statutable form of settlement, applying to all cases where the parties did not themselves enter into a settlement. The women of the lower classes did not want a settlement, which was quite unsuitable to small sums, which came in from time to time, and were not worthy of being invested for the purpose of income: they did not want the capital preserved, but they wished to be allowed to spend the money in the support of their families. The third, and only remaining course, was that proposed by the Bill—namely, to alter the general rule of law; to leave settlements to be made where advisable, but in other cases to make the property of the married woman her own until she chose to part with it. If she pleased she might make a gift of it to her husband. Thus the Bill would do for the poor what the Court of Equity did for the rich, by putting the married woman as to property in the same position as the unmarried. Some of its provisions would require consideration, and he himself should propose some Amendments; but after the best consideration his opinion was that the principle of the Bill was the true one. It had passed the House of Commons two or three times, and was there investigated by a Select Committee, when evidence was taken, and he believed there was in that House a strong preponderance of opinion in its favour. It was last year read a second time in this House, on the understanding that it should not then proceed further. He now asked their Lordships to read the Bill a second time. He should offer no objection to its being referred to a Select Committee, where some of the niceties of law which it involved might possibly be better considered, and where, owing to its moderate compass, it would occupy but a short time.

*Moved*, "That the Bill be now read 2ª."—(*The Lord Cairns.*)

LORD PENZANCE said, that having moved the second reading last Session, he would confirm his noble and learned Friend's statement of the history of the measure. The evil which it was avowedly intended to meet was one the existence of which could not be doubted, and which was of considerable magnitude. He need not enlarge on the number of married women of whose industry their husbands took advantage by living on the produce of their labours. He must, however, repeat what he said last year, that the Bill went far beyond the necessities of the case which it affected to meet. The provisions of the body of the Bill affected all the married women of England; it would subvert the principle on which the marriage relation had hitherto stood, and its tendency would be to cause increased discord and separation. Their Lordships were legislating not only for the upper classes—who protected themselves by settlements, but for the mass of the middle class, among whom settlements were by no means common. He held it very desirable that before any considerable change was made, the Bill should be submitted to very careful consideration; and that it should be specially applicable to that class whose grievances it was designed to remedy. The Bill would give a married woman the same rights of possessing and dealing with property, and of contracting obligations with third persons, that an unmarried woman enjoyed; while it nevertheless left untouched her status as a married woman. It left untouched her right to be maintained by her husband; she would be able to spend her property any how she liked, without any obligation of contributing to the expenses of the household; and when it was dissipated she would be entitled to the support of her husband and to pledge his credit for necessaries. As a question of abstract justice this position could not be maintained. The Bill also provided in the most sweeping manner that a married woman might sue and be sued precisely in the same manner as a *feme sole*—so that there was nothing to prevent her bringing an action even against her husband, founded upon any matter of contract which she might choose to allege. Litigation under any circumstances was thought to have sufficient asperity about it to make people uncomfortable enough; but it was difficult to conceive the relations of a man and wife, plaintiff and defendant in an action, sitting down to breakfast together, passing the day together, consulting their respective attorneys, and then dining together. A married woman, moreover, being at full liberty to contract with the outer world, might carry on any trade she pleased without her husband's consent, so that a man might be startled by the information that his wife had determined to set up a rival shop in his neighbourhood—which at present was prevented by her inability to contract; and, since she would be quite competent to take a partner, he might be still more startled at hearing that she had entered into partnership with her cousin, who need not be a woman. A husband who expected his wife to keep his home and attend to the children might find her opening a Berlin wool shop with her cousin John as a partner. Surely this was an unnecessary corollary to the protection of women's earnings from idle and dissolute husbands? The common law, broken in upon in the case of settlements, provided that the wife having no personal property of her own, the husband should have the regulation of the common purse. Now, was it desirable to set up in a household two holders of the purse, two powers, co-equal at first and likely to become adverse in the end? He had, unfortunately, had special experience in these matters, which had shown him that there was no commoner cause of violence and cruelty on the part of the husband leading to a separation, than the possession of some small sum by the wife which she was in some way able to retain; the result being that the husband first teased and afterwards ill-treated her in order to get hold of it. The Bill involved the question whether the husband should rule in his own household; for if the wife had co-equal power over the property she would obviously have a considerable share in the management. He denied the assertion that the upper classes evaded the rule of the common law as to the control by the husband of the common fund by means of settlements. No doubt the property of a woman about to marry was settled —but settled as much to protect it from being spent by her as by the husband— on the children, and he was informed that in by far the larger number of cases a life interest in it was given to the husband, subject, of course, to the setting aside a sufficient sum as pin money for personal expenses; but the husband in the large majority of settlements retained the control of the income during the lives of both. France afforded a confirmation of this view; for, though the law gave the option of community or separation of property, the former was chosen in 99 cases out of a 100. This system gave the husband the entire regulation of the expenditure of the common fund, simply requiring an account from him as to his disposition of the wife's property; and where this community was put an end to, and where this step had become necessary on account of the husband's misconduct, the wife had to go before a Court of Justice and obtain a *separation de biens.* This was a system which met the necessities of the case. If the husband who primarily ought to be allowed the control of the common fund, neglected his obligations, lived on his wife's money, and did not work for the support of the family, what could be more reasonable than that she should resort to some Court to obtain a "separation of goods," which would allow her thenceforth to receive her earnings? He saw no difficulty in such a provision. His noble and learned Friend (Lord Cairns) had urged that such an application to a magistrate would at once lead to a separation. But if the husband were of the character described this would not be so much to be deprecated; but he saw no reason for this result. Why should she not be able to appear before a County Court Judge, who, on sufficient proof that the husband was idle, dissolute, or disorderly, would set aside the community of goods affixed to marriage by the common law, thus leaving to her her own earnings? The protection orders provided by the Divorce Act were obtained with the utmost facility from any magistrate or from the Judge of the Divorce Court on a short affidavit, and they worked extremely well. Why, then, should they not be extended to cases other than those of desertion? Exceptional cases—and, though numerous, the cases where husband and wife were on such terms were exceptional—would thus be deal with in an exceptional manner. He regretted that the promoters of the Bill, who undoubtedly had the benefit of these people at heart, had re-introduced the Bill in its former shape, notwithstanding the tone of the discussion in this House last Session, when all the speakers, though glad to remedy a grievance, repudiated the notion of altering the whole law relating to marriage. He thought the advocates of what were popularly called the "rights of women," whose opinions, if not their hands, might be traced in these provisions, would do well to recollect that great evil had, it was said, arisen from marriages being less frequent than they used or possibly ought to be, and that if the law were so altered that a man in taking a wife took a partner with separate interests, entitled to trade separately, and to spend her property how she chose, it was doubtful how far there would remain an inducement to the male portion of the community to enter into such a contract. He was sure, too, that if there was one race of people to whom it would be less agreeable than to another not to be masters in their own houses, it was the race represented by their Lordships.

LORD WESTBURY said, that a very small part of the Bill related to the main evil requiring redress, and in the remainder there were many extravagant enactments. Yet if they reduced it to a more sensible character, and sent it down to the other House in a more limited form, he feared, from the temper in which it had been sent up, that the Bill would not pass in its altered form; and thus all opportunity of remedying the evil complained of would be lost. Still it was impossible to pass the measure as it was now presented to their Lordships. Many of its defects had been exposed by the noble and learned Lord (Lord Cairns), who, however sensible he might be to the objections to the measure, had treated them very tenderly. The Bill seemed to have sprung from the sensationalism of the day, which delighted in extravagancies, and sought to carry them even into the amendment of the law. The Bill was, in fact, an entire subversion of the system of domestic rule which had prevailed in this country for more than 1,000 years. The objections to the Bill could only be fully noticed by a reference to its details. The first section proposed that a married woman should be capable of holding, acquiring, alienating, devising, and bequeathing real and personal estate. Now, he appealed to married men whether they would like this additional yoke; while as to the unmarried, it reminded him of Lord Brougham's remark on Lord Campbell, that he had succeeded in adding a new terror to death. Under this provision a woman might receive a legacy of £20,000, and her husband might imagine that she would employ it for the general maintenance and comfort of the establishment. "No, my dear," she would reply; "Lord Cairns has got rid of that, many thanks to him. He has spoken so delightfully and gracefully that the House of Lords has given me the absolute control of the money." The husband, perhaps, would suggest that the legacy should benefit the children; but she would answer—"At present I have set my heart on a beautiful diamond necklace." Thus the money would be wasted and consumed without the possibility of any check. The Bill also enabled her to contract, so that she might take a fancy to buying any number of bracelets. The effect of such legislation would be to upset the old rule of married life, which was based upon the theory that a man and his wife should be one soul and one spirit, and should devote their property entirely to the benefit of themselves and their children; but the Bill had quite an opposite tendency. The misery suffered by the wife of a brutal husband, who seized upon her earnings and spent them in drunkenness and dissipation, could not be put in too strong a light; but the evil was most imperfectly remedied by this Bill. Not only her earnings but her wages should be protected. The Bill would enable a married woman to dispose of leasehold houses or railway shares in any manner she chose; and if there was some person for whom she had greater affection than for her legitimate lord, she might lavish the proceeds upon him. Could such an arrangement be desirable? Under the existing law a woman of the labouring class was frequently subjected to the temptation of buying expensive articles by pedlars and others. Her husband was then summoned to the County Court for payment, and if he disobeyed the order of the Judge he was sentenced to imprisonment. Now, was it desirable to expose such a woman to a temptation to which she would certainly yield—as she had done from the beginning—and then under the new system allow her to be sent to prison? He feared that his noble and learned Friend would have a great deal of misery and unhappiness to answer for if this Bill were permitted to pass into law. He admitted that the law which gave the wife's entire real and personal property to the husband ought to be altered, and substituted by regulations similar to those which applied to the community of goods in France. The property might be invested, the husband having the management and administration of the income, and being controller of his household until he made a bad use of that power. As to property accruing after marriage, it should, if it exceeded a certain sum, be settled for the benefit of the wife and children—including also, if they pleased, the husband. As the Bill stood, the wife would be under no obligation of contributing to the maintenance of the establishment, her only liability being to pay the parish perhaps *5s.* a week if her husband became chargeable to the parish, while his obligation to support her was left untouched. If their Lordships struck out those portions of the Bill which appeared to have been most favourably received in the other House, and sent back what was virtually a new Bill, he was persuaded that there would be no immediate legislation upon the question. His own belief was that the only real and effectual way of dealing with the property of married women would be to reject the present Bill altogether, and to substitute for it some reasonable provisions such as he had suggested. If that advice were followed, a Bill might be procured which would satisfy both Houses of Parliament. The passing of the present Bill was out of the question.

LORD ROMILLY hoped their Lordships would at least not take the advice of the noble and learned Lord who had just spoken. Such a course would undoubtedly prevent legislation for this year at least. The noble and learned Lord had drawn an extraordinary picture of what would happen under the Bill if a woman came into possession of £20,000;

but all the noble and learned Lords present, including one whose presence among them was a subject for much gratification (Lord O'Hagan), were aware that this frequently happened under the present system. A man left his niece or daughter £20,000, coupled with conditions which made it entirely her own—giving nobody else power to touch a penny of the income ; and so far from there being the mischievous result described by the noble and learned Lord, it rather seemed to tighten the bonds of affection. As to settlements, with which he had had some experience, some portion of the property was given to the husband by the Court of Chancery—especially if it approved the marriage; but, as a rule, it was settled wholly on the wife for her separate use, the husband having a life interest in it after her death, and it being then divided among the children. It was true that a lady having a separate fortune was under no obligation to contribute to the daily expenses of the household, but she almost invariably did so ; and as long as they lived together the Court of Chancery regarded the money when paid at her desire to her husband as employed for the benefit of both. His belief was that if the Bill were sent to a Select Committee, it might be very much improved. It need not interfere with the settlements and contracts of the wealthier classes; but, if judiciously amended, it would afford very wholesome protection to the lower classes, to whom settlements were wholly inapplicable. He therefore trusted their Lordships would read the Bill a second time, and refer it to a Select Committee; and if it were there carefully reformed he believed that the House of Commons would cheerfully accept it, as knowing that it had been carefully considered by noble and learned Lords who were well acquainted with the subject.

THE EARL OF SHAFTESBURY said, he confessed he regarded this Bill with very great apprehension. He looked upon this not as merely a legal, but as a social question of the highest importance ; and the various efforts which were being made for a great relaxation of the marriage laws, and for facilitating separation and divorce, made it necessary that the Bill which proposed to give such increased facilities to women should be seriously considered, in all its bearings, before any conclusion was arrived at. He was not prepared to say that the Bill was not a good one ; but he did say that it ought to be very maturely deliberated. The Bill might properly be divided into two parts—that which affected the rich, and that which affected the poorer class. The noble and learned Lord (Lord Cairns) had dwelt with proper emphasis on the second part of the Bill, which related to the earnings of women of the working classes ; but he had said little on the first part, which, viewed in connection with the wealthier class, gave cause for serious apprehensions. There could be no doubt that for the working classes, a measure of this kind was of immense importance ; and even if it involved the violation of some sort of principle, this would be better than the continuance of the present evil. The property in question might be divided into two classes—fixed property, which was the subject of arrangement, by deed, and that which was the result of mental or manual labour. He did not know whether the term "occupation" would include, as ought to be the case, the right of property in literary efforts, but the claims of literary ladies ought to be considered. Two-thirds of our tracts, and nearly all our most interesting and effective stories were written by women ; and these ladies, who were very numerous, had, at present, no protection whatever for their works, against the greed or rapacity of their husbands. He recollected a lady of considerable talent who lived entirely by her writings, and who was obliged to write under a feigned name, and to shift from one publisher to another, lest her husband should discover what the proceeds of her writings were, and lay violent hands upon them. As regarded the upper classes, the provisions of the Bill went far beyond what was necessary, and struck at the root of domestic happiness, introducing insubordination, equality, and something more. They would allow a married woman to hold and deal with property like a *feme sole*, and yet would allow her to plead coverture, and insist on the husband being answerable for her debts. [Lord CAIRNS dissented.] He should be glad to be corrected, if mistaken ; but the 6th clause provided that the husband should not be answerable for debts contracted by her before marriage—implying that he would be answerable for debts contracted after marriage. Would the wife be answerable for her own debts? If the noble Lord could assure him that, under his Bill, the husband never would be answerable for the wife's debts, as long as she had any property of her own, that would, in a great measure, remove his objection. Under this Bill the wife would be capable of holding property. Would she hold it with all the usual rights, privileges, and profits? For instance, could she quarrel with her husband and eject him, or refuse him admission to her house; and, while keeping him out of it, might she admit every one else? If she could act in that manner, he wanted to know how the conjugal rights of the husband were to be asserted — except by application to a magistrate, who, probably, would not like to act in the matter, with this Bill, as an Act of Parliament, staring him in the face? Then, the wife might acquire property; but what was to be the rule, if the husband thought it necessary to forbid her accepting presents from persons with whom he did not wish her to be on terms of intimacy? She might sue in Courts of Law or Equity: would the husband be liable to the costs? He had no doubt that such a law as would be in force under this Bill was much better suited to the state of things which prevailed in America; because, owing to the peculiar circumstances of the country, it there worked well. The evidence taken in 1868 was very strong and very decided, as to the favourable operation of the law in America: it was stated that no mischief had resulted from it in that country. Eminent men were examined, whose testimony was to that effect. Previously to 1840, the law, regarding the property of married women, was the same in the United States as in England; but, at that date, it was changed. Mr. Cyrus Martin Fisher, a member of the Bar of Vermont, to the question—

> "Should a wife having property contribute towards the family expenses?" replied—"It is contrary to the American idea (and so says Mr. Cyrus Field) that any part of the wife's fortune should be used to contribute towards the support of the family. A man ought to be, and is, considered clever enough to be at least able to support his family without calling upon his wife."

Again, Question 536,

> "You have said that the responsibility of the payment of household debts lies chiefly on the husband. Suppose the wife, instead of contributing to the establishment, squandered all her money away, would the whole of the responsibility in such a case rest on the husband?"—"Certainly, to the extent of all his property. She might squander her fortune just as quickly as she saw fit." Q.—"She could have no responsibility whatever?" A.—"Not the slightest, so long as his property was in existence." Q.—"Suppose she chose to squander her money on some other individual, would that make any difference?" A.—"It might create certain unpleasantness in the family, and the tradesmen might require them, when they wanted anything, to pay for it at the time." Mr. Cyrus Field said the same—"Whatever the distress of the husband, the wife is not legally bound to relieve him."

Now, was that a state of things which it was desirable to see introduced into England? There were three peculiarities in the relations between man and wife in America, as compared with those in England—first, complete equality of the wife with the husband—no subordination; secondly, greater facility of divorce. Drunkenness, or even desertion, was a cause for a divorce *a vinculo matrimonii*, with leave to marry again. This facility of divorce enabled married persons to throw off when they liked disagreeable responsibilities. But in this country, where we regarded marriage as indissoluble, except for adultery, such a state of things would be intolerable. Again, in America the men like married women to retain, at least, a large portion of their fortune, in order that it might be available for the family in the case of evil results arising from the over-speculation to which too many of the men were addicted. What he had now stated was what had occurred to him in respect of the wealthy classes; but when he came to consider the case of the poorer classes the case was altogether changed. There were in this country 800,000 poor women whose earnings must be protected, because those earnings were the very existence of themselves and their children. The principal of the Co-operative Society of Rochdale spoke strongly of the thrift, skill, and industy of women of the class to which he was now referring; and Mr. Mundella, the hon. Member for Sheffield, who employed 2,000 women in his own works, and who was a man of intellect and experience, had given valuable evidence, showing the necessity of protecting the earnings of such women. The women of the working classes assumed a very different position as regarded the family from that occupied by women of the higher classes. The women of the working classes discharged many more duties than were discharged by ladies. The wife of a working man was the moving principle of the whole family. Everything relating to it was under her care, and she had no nurses or other servants to assist her. It was therefore of the utmost importance that everything should be done to protect her earnings for herself and children. The women of that class were much superior to the men in tact, sound judgment, and economy; and yet, melancholy to say, there were instances every day of the homes of such industrious women being swept away by the rapacity of bad husbands. Such women frequently got their families and homes into a state of comfort and good order by means of their industry, and when this had been achieved the bad husband returned and made away with all the fruits of a woman's hard earnings. It was absolutely necessary to have fresh legislation for the protection of these women. The protection order system was insufficient. Protection orders were only granted after desertion; but it often happened that everything the woman had was carried off before the desertion. Again, magistrates did not think an absence of a month or two months constituted desertion; and yet bad husbands were in the habit of going off for such periods, and returning to seize and carry away with them what their wives had put together by means of their own industry. Another fact that made the protection order system ineffective was that in numerous cases women could not be got to go before the magistrates. It was marvellous to see with what readiness women overlooked and forgave the bad treatment of husbands at the least word of kindness from those men. Mr. Mansfield, one of the metropolitan magistrates, stated that he looked upon protection orders as of little or no benefit. In his district, with a population of 300,000, only 14 such orders had been granted, while the rejections of applications for them only amounted to the same number. He would read to their Lordships a letter from a woman at Manchester. She wrote thus—

> "It is scarcely possible to calculate the disappointment felt last year when the Bill did not pass. . . . In this large city so numerous are the cases where the woman, though the bread-winner, has no chance of protecting her earnings, that it is useless to select isolated cases. . . . Our first men of business, our teachers of religion, and our working classes, are unanimous in their desire for something to be done. . . . The amount of money earned by women in England is almost incredible. . . . It is sad to reflect that while the question is delayed thousands of hard-working, struggling women are reduced to the brink of ruin, and with their children are often found in a state of the deepest destitution."

She went on to say, and he could corroborate the truth of it, that—

> "It is a great wonder to find a steady, industrious workman opposed to the measure. All our mechanics are eager to sign our Petitions, and express the most anxious interest in the coming discussion. Even the wilder among them frequently wish to sign, because they say the protection of their wife's earnings is a safeguard for their families."

Now he believed that the mere declaration by law that the earnings of the wife were not the property of the husband, but were the wife's own lawful property, would of itself have a great effect. At present when the husband wished to lay his hand on his wife's earnings she knew that the law sanctioned his claim, and she yielded to it; but if it was known that the law was on her side she would insist more firmly and successfully on retaining her property, and the husband himself would often be induced to respect her legal right. At any rate, if the husband desired to get hold of her property he would try to do so by wheedling and coaxing rather than by violence —and he was afraid that in many instances they would still give up their property to worthless husbands. In conclusion, he felt convinced that if such a measure were passed, although it might not achieve all the results that were desirable, it would do much for the protection of a most meritorious and defenceless class of women.

THE LORD CHANCELLOR said, that, feeling as he did the great necessity which existed for protecting the class to which the noble Earl had so feelingly referred, he could not resist supporting the second reading of the Bill. He was most thankful that the Bill had fallen into the hands of his noble and learned Friend (Lord Cairns), who proposed to refer it to a Select Committee, and by whose aid and suggestions he was confident that an effective measure might be produced, free from many of the objections to which the one before their Lordships was now open. It was a great mistake in the Bill not to distinguish the difference between the two classes. With regard to the rich, the wife at present had considerable—he did not say in every case adequate—protection from the ordinary form of settlement adopted at the time of marriage. The "common form" settlement gave the woman a life interest for her separate use; to that was added a restraint against her being able to anticipate her income; then a life interest was usually given to the husband in the event of his surviving her; then it provided for the children, if there were any; and if there were none it gave the wife the power of disposing of her property generally by will. First, the separate use was a creation of the Court of Equity, it being thought right that a married woman should be protected from the severity of the common law, which handed over the whole of her property to her husband. But, instead of effecting its object, it was found that the separate use, without more, subjected the wife to the great difficulty of resisting her husband's importunity; therefore, a new protection for her was devised in the shape of the restraint upon anticipation. In the case of a man, if he had any property at all, he must have all the power over it—he could dispose of it or alienate it as he pleased; but, in regard to a woman, the Court of Chancery had invented a means of protecting her against her own weakness by saying that, as long as she was married, but no longer, she should be fettered against anticipating her property. That system was found to have some inconveniences; there were occasions when it was desirable to advance the children in life and provide them with an outfit and the like; and although there should be powers for that purpose in a well-drawn settlement, yet it was often overlooked; and a scheme might be devised for improving those settlements, and still taking care that the woman should be no loser thereby. In France and other countries, under the Code Napoléon, there were two modes of protecting the wife's property; there was the "separation of goods," where the wife had the absolute possession and administration of it; or the "community of goods," where the husband had the administration of the joint property, but subject to account for the wife's share—and not only that, but if there was the least intimation on the part of the wife to the proper authorities that he was about to expend it wastefully, they interposed for its protection on her behalf. With respect to the case of the poor in this country, their position was different in this matter from that of the rich. By the common law the whole of the wife's property became the husband's. The whole of England, indeed, had not adopted that part of the common law. The City of London, for example, wise in its generation—and it had at different times shown many tokens of its wisdom, adopting in various respects the law of a higher civilization—allowed by its customs married women to carry on shops or business independently of their husbands, with their own means and for their own benefit: and it would have been well if that had been a general custom throughout the country. Undoubtedly, the hardship to married women of the poorer classes had been very great. He had known instances of industrious women, in the position of servants and housekeepers, who had saved a little money, and married men who afterwards turned out to be good for nothing. They then set up a business with their small accumulation of capital; the business began to thrive, when immediately the husbands pounced upon them, swept away all they had got, and reduced them to beggary. Those cases were by no means uncommon, and urgently required a remedy; and, so far as this part of the Bill was concerned, he hoped to see it carried this Session. Some parts of the Bill, however, seemed to him open to objection. The 1st clause gave to a married women the same power of acquiring and holding property, and of contracting, as if she were unmarried. He was afraid this provision would not be of very great effect; for he feared the result, in many cases, would be that, if she had the full control of her money, it might all find its way during the honeymoon, or soon afterwards, into the hands of her husband. He had seen a statement made in support of the Bill that many a woman was wiser and stronger than her husband. If so, the woman certainly did not show her wisdom in marrying a man inferior to her in mind, but rather yielded to her affections. Again, it was urged that the husband was not always in the right; but yet that he had the power of stopping the supplies on all occasions. No doubt, it was monstrous to say the husband must be always in the right; but, on the other hand, somebody must regulate the affairs of the family; and if the husband said they must go to Italy to live, and the wife replied that she would far rather remain in England, he held, for himself, to the old-fashioned notion that the head of the family must be the husband. He thought the framers of the Bill had had some misgivings as to the wife's real property; for that part of the Bill did not appear to be so philosophically carried out as the other parts, or as they might have expected. The proviso of the 1st clause did not permit a married woman to dispose of her real property as completely as her personal property, but restrained her from doing so otherwise than by will. This was inconsistent with the philosophic completeness of other parts of the measure. By the Bill the husband remained liable for all his wife's debts except two kinds—namely, debts which she had contracted before marriage; and he was not to be liable in damages for his wife's *torts*. The inference was that he was to be left responsible in all other respects for her debts. He would not pursue the details of the measure, which he could assure the noble and learned Lord he had no desire to treat in a carping or captious spirit; and he believed that the 10th section of the Bill might, under the noble and learned Lord's management, be made to work out all that was desirable. The 10th clause said where any property was in dispute between the husband and wife either party might, by an inexpensive process, have recourse either to the Court of Chancery or to the County Court in which the parties resided, where such an order might be made as appeared right. If that power were expanded, and if every woman were enabled, when she came into possession of property not disposed of by previous contract on her marriage, to go to an authority who would say what was right and proper to be done, a great deal of good might be effected.

Lord LYVEDEN said, he desired to point out the position in which their Lordships were placed by the manner in which the Bill had been submitted to their consideration. Towards the end of last Session — not later in the year than the present time—this Bill came up from the House of Commons, and was introduced to their Lordships' notice by his noble and learned Friend beside him (Lord Penzance). But when his noble and learned Friend came to move the second reading, he was so overwhelmed by the arguments urged against the measure that he declined to proceed with it. One of the chief opponents of the measure was the noble and learned Lord who had charge of this Bill. [Lord Cairns: No!] The noble and learned Lord made a speech in which he said he disapproved most of the details. [Lord Cairns dissented.] However that might be, the House was aware, knowing, as they did, the greatness of the noble and learned Lord's powers, that he had now made but a very meagre statement with regard to this measure, and he (Lord Lyveden) had come to the conclusion that if the noble and learned Lord's acuteness of argument could find so little to say in favour of the Bill it could not be worth much. At all events throughout this discussion all the arguments had been against the Bill, except with respect to one point—namely, that a profligate husband ought to be prevented from throwing away the property of his wife. To all the other provisions of the Bill exception had been taken. In the position in which the House was placed it was absolutely essential that they should come to some conclusion as to the course they should adopt. If the Bill were to be referred to a Select Committee, their Lordships might be induced to consent to the second reading; but unless that was so done he should be prepared to vote with his noble and learned Friend near him against the second reading. If that portion of the Bill to which objection was taken were to be struck out by their Lordships the measure was certain to be repudiated when it went back to the House of Commons. He must own that the description which had been given of the Bill, that it would revolutionize the whole Law of Marriage, appeared to be just, and he quite agreed with the noble Earl opposite (the Earl of Shaftesbury) that they ought to touch very tenderly everything connected with that subject. For his own part, he should be decidedly in favour of rejecting the Bill altogether unless the noble and learned Lord, when he replied, should explain what were the clauses that he proposed to alter. All were agreed as to the necessity of providing that the earnings of poor women should be secured to them; but he feared that if the Bill passed in its present shape it would introduce discord and bitterness into every house in the country.

THE DUKE OF CLEVELAND said, the very able and emphatic speech of the noble Earl opposite (the Earl of Shaftesbury) ought to have made such an impression on their Lordships that the Bill, if passed at all, should be very considerably modified; and, therefore, if it were read a second time, he hoped it would be on the express understanding that it should be sent to a Select Committee. Everyone felt that there was a great evil to be redressed, and that when the property of a woman was placed in jeopardy by the misconduct of her husband protection ought to be afforded. There was therefore no question raised that it was desirable to legislate in the direction of the first part of the Bill; but the greater portion of the Bill would entirely subvert the principles of the law heretofore existing with respect to marriage. Objections of such force had been urged to the Bill that it would be hardly just to the community at large to pass it, seeing that evils of great magnitude were likely to arise from its operation. The question, however, which they had to consider now was how they were to deal with the Bill. He had been struck, as the noble Lord (Lord Westbury) had been, by the very tender manner in which the noble and learned Lord opposite (Lord Cairns) had touched upon some of the points involved. No doubt the noble and learned Lord dealt in a very particular manner with that portion of the Bill about which there was no difficulty in dealing; but the other portions of the measure he treated after a very different fashion. The question their Lordships had to ask themselves was this—If the Bill were sent to a Select Committee and came back so altered and amended as to be brought into harmony with the views entertained by almost all who had spoken on the subject, would it stand any chance at this period of the Session of being accepted by the other House of Parliament? In his opinion it would be better for their Lordships to confine themselves to those parts of the Bill which referred to the protection of the earnings of married women, because the evil with which it dealt was admitted by all, and it would not be well that this Session should be allowed to lapse without endeavouring to apply a remedy. But if their Lordships were to alter, as he believed they would, a great part of the measure, it was very doubtful whether the other House of Parliament would accept it. A Select Committee might so alter it that it would be no longer the same measure; but, on the whole, he thought the best chance of legislation at this period of the Session would be if they confined themselves to the first portion of the Bill.

LORD CAIRNS desired, in reply to the remarks of his noble and learned Friend (Lord Penzance), to point out that the noble and learned Lord had himself moved the second reading of a similar Bill last year, and that he had expressed a hope that their Lordships would show their readiness to consider the question by agreeing to the Motion, so that the re-introduction of the Bill in the present Session might be facilitated. He could not help thinking, therefore, that his noble and learned Friend was open to the charge of inconsistency in taking the course he had taken that evening.

LORD PENZANCE said, that when he moved the second reading of the Bill last year, he had expressly stated his disapproval of all those provisions of which he had expressed his disapproval on that present occasion.

LORD CAIRNS said, said, that if his noble and learned Friend had made that evening such a speech as he had made last year, it would be utterly impossible for him to suppose that he was not in favour of the Bill. Both his noble and learned Friends opposite, indeed, had with great ingenuity conjured up spectres to frighten their Lordships with respect to the measure. They contended that one of its results would be that husband and wife would be able to sue one another—as if that were not a thing which happened every day the sun rose in cases in which property was concerned. He might also remind his noble and learned Friend who spoke second (Lord Westbury) that every woman in England who had property to her separate use might make contracts, might accept Bills of Exchange, or buy racehorses, if she had a mind to do so, and that those contracts would be valid. What objection in principle then could there be in making the law applicable to married women generally? It would only do universally by law what was now done in particular cases by contract. Then the noble Earl (the Earl of Shaftesbury), who made a speech of great interest, pointed out that if a married woman were to get a house to herself she might, under the provisions of the Bill, if she so pleased, preclude her husband from entering. That was, however, a right which any woman might at the present moment exercise with respect to a house which was her property. Again, as the law now stood, any woman might purchase jewellery with her settled income, and it would be her own separate property. She might keep it for her own use, or give it away in presents if she thought proper; and there was nothing to prevent her from accepting presents of jewellery for her own separate use—so that there was little or no force in the objection urged by the noble Earl on that point. It was further stated in opposition to the Bill that it contained no provision rendering it obligatory on the wife having property of her own to contribute to the support of her children. But a wife under the Bill would be subject to the same obligations in that respect as now. He apprehended that if the children were starving, and the wife had the means, she would be liable equally with the husband. [Lord Westbury: Only under the Poor Law.] Just so, and that was the only way he knew of in which a father could under the existing law be made liable for the support of his children in the last resort. He was not a promoter of the Bill, he only had charge of it. Nor was he responsible for many of its provisions. He must, however, say, in reply to the noble Duke (the Duke of Cleveland), that the Bill could in no sense be said to have passed *sub silentio* in the other House of Parliament. It had, in fact, attracted considerable attention there. In a previous Session it had been referred to a Select Committee, which comprehended some of the most eminent Members of the House of Commons, and they not only considered the Bill clause by clause, but took evidence upon it. During the present Session there was a rival Bill, and upon a Division this Bill was preferred. He had not taken charge of the Bill from any desire to set up abstract theories of philosophical principles with regard to the rights of married women; nor did he desire to alter the practice of this country in reference to settlements, or to the proceedings relating to property at the Court of Chancery. He considered the main principle of the measure to be that wherever money and property had been acquired by a married woman by virtue of her own industry, whether bodily or mental, she was entitled to the property so acquired for her separate use, just as much as if it was actually settled upon her, and with that principle he entirely agreed.

Lord WESTBURY said, he was quite content with the assurance of his noble and learned Friend with regard to the principle of the Bill. It was, he understood, limited to the settlement of property acquired by the woman's own labour, mental and bodily.

Motion *agreed to;* Bill read $2^a$ and referred to a Select Committee.

And, on July 4, the Lords following were named of the Committee:—

D. Buckingham and Chandos.
E. Shaftesbury.
E. Airlie.
E. Carnarvon.
E. Morley.
E. Lichfield.
L. Bp. Gloucester and Bristol.
L. Dinevor.
L. Stanley of Alderley.
L. Clandeboye.
L. Westbury.
L. Romilly.
L. Cairns.
L. Penzance.

## PIER AND HARBOUR ORDERS CONFIRMATION BILL—(No. 110.)

(*The Lord Privy Seal.*)

### COMMITTEE.

Order of the Day for the House to be put into Committee, read.

The Earl of KIMBERLEY, in moving that the House do now resolve itself into Committee, said, he desired to make one or two observations in reply to what had been stated on a previous evening by the noble Lord the Chairman of Committees. With reference to the dissatisfaction said to prevail in certain quarters, he rather supposed that it it originated with some Parliamentary agents who naturally found fault with a system which tended very materially to abridge the business before Select Committees of both Houses. For himself, he did not think that a second inquiry by the Board of Trade was necessary, inasmuch as a previous inquiry took place by the Admiralty. He had referred to the number of Provisional Orders granted by the Board of Trade between 1862 and the present time, and he found that nearly the whole of them had been confirmed by Parliament without the necessity of parties going before a Select Committee. He did not think Parliament had any reason to view with jealousy the system of Provisional Orders; but he did not at all complain of the noble Lord watching narrowly the action of the Board of Trade. The noble Earl concluded by paying a marked tribute to the admirable manner in which the business of the Board had been conducted in the much-to-be-regretted absence of his chief, by the Vice President, (Mr. Shaw Lefevre).

**Lord REDESDALE** said, he should be sorry if it could be supposed that any observations he had made on a former occasion arose from any idea that there was want of ability and energy on the part of the Vice President of the Board of Trade. On the contrary, he believed that Mr. Shaw Lefevre had proved himself a most zealous and efficient officer, and there could be no doubt that at the present time the Board was very much overworked. Complaints had been made to him of cases in which the parties said they had found the transaction of business with the Board of Trade extremely unsatisfactory, in consequence of so much of that Department being conducted by subordinate officers; and he thought that under present circumstances that must necessarily be the case. To say that it was not so would be to say that the Office of President of the Board of Trade was a useless one. He did think it was a just cause of complaint that during a considerable portion of the last half-year the Board of Trade had been without any head whatever. In the present Session a Committee was appointed on the Tramways Bill, of which Committee the Vice President of the Board of Trade was Chairman. It sat for 10 or 11 days, during which time the Board of Trade Office must have been without either President or Vice President. With regard to the case of Ilfracombe, which came within the Bill, there ought to have been a new inquiry. Formerly steamboat owners appeared in the case, and the Admiralty sent down an officer, whose Report was adverse to what would now be done by the Board of Trade. The steamboat owners having withdrawn from the opposition there was no one now before Parliament to prevent the carrying out of what that officer had said ought not to be done.

**The Earl of KIMBERLEY** said, that officers of great experience were associated with the Board of Trade. It did not follow that because an officer of the Admiralty had reported adversely last year, the Board of Trade were bound by their decision under altered circumstances.

House in Committee; Amendments made: The Report thereof to be received on *Thursday* next.

### CONTAGIOUS DISEASES PREVENTION (METROPOLIS) BILL [H.L.]

A Bill for the better prevention of contagious Diseases in the City of London and within the Metropolitan Police District—Was *presented* by The Marquess TOWNSHEND; read 1ª. (No. 151.)

House adjourned at a quarter before Eight o'clock, to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 21st June,* 1870.

MINUTES.]—PUBLIC BILLS — *Ordered—First Reading* — Municipal Franchise (Ireland) * [176]; Magistrates, &c. Election (Scotland) * [177].

*Committee*—Party Processions (Ireland) * [26]—R.P.; Elementary Education (*re-comm.*) [167], *debate resumed and again adjourned.*

*Committee — Report* — Public Health (Scotland) Supplemental (*re-comm.*) * [136].

*Considered as amended* — Wages Arrestment Limitation (Scotland) * [118], *debate resumed and again adjourned.*

*Third Reading*—General Police and Improvement (Scotland) Supplemental * [173], and *passed.*

*Withdrawn*—Railway Construction Facilities Act (1864) Amendment * [11].

The House met at Two of the clock.

### THE UNIVERSAL ART CATALOGUE.

QUESTION.

**Mr. DILLWYN** said, he wished to ask the Vice President of the Committee of Council on Education, If it be true that there is any intention on the part of the Science and Art Department to publish a Catalogue of all known Works of Art in England and elsewhere; and, what has been the cost of the "Universal Art Catalogue" already published, how many copies of it have been sold, and what amount has been received for such sale?

MR. W. E. FORSTER: It is true, Sir, that since 1864 the Science and Art Department has been collecting very brief notes of objects of industrial art, copies and reproductions of which might be useful to the Schools of Art and the Museums of Art in London, Edinburgh, and Dublin. A part of the work relating to mosaics and stained glass is now printed; 250 copies are printed, and 150 of them will be circulated amongst local Schools of Art. With regard to the Universal Catalogue of Books on Art, the estimated cost of printing, circulating, and advertising it, stated in the House of Commons' Return, 1867, No. 362, moved for by Mr. Gregory, was £8,383. This did not include compilation and editorship. The actual total cost, including all, has been only £8,034, from which has to be deducted sales, estimated to produce £500, reducing the cost to about £7,500. The work has not yet been published complete, but parts only have been sold. The price of the two volumes will be two guineas, and 500 copies have been printed for sale to the general public. The work was produced particularly for the libraries at South Kensington, Edinburgh, and Dublin, and the 110 Schools of Art in the United Kingdom, and has been welcomed throughout Europe as a valuable work.

## METROPOLIS—LEICESTER SQUARE.

### QUESTION.

CAPTAIN DAWSON-DAMER said, he wished to ask the Chief Commissioner of Works, Whether he is aware that measures are now in progress to let for building purposes the enclosure of Leicester Square; and, if so, if he is prepared to take any steps to preserve that open space in the centre of London for the benefit of the public?

MR. AYRTON replied, that he had not been able to ascertain whether any person claiming to be the owner of Leicester Square proposed to let it on a building lease. If such were the case, he could only interfere by means of a Private Bill, which, according to the Standing Orders, he would be precluded from introducing during the present Session. Besides, it would be a dangerous thing if, when a local authority neglected its duty, the First Commissioner of Works were to come forward to undertake it, as the result would be to throw on the Treasury an expense which ought to be paid out of the local funds. If the statement in question were correct, it was only a practical illustration of the necessity for a reform of the local government of the metropolis. He had endeavoured to press this subject on the attention of the House by more than one Report from the Select Committee over which he had presided, and he hoped his right hon. Friend the Secretary of State for the Home Department would be able next Session to deal with this very important question.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[BILL 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

### COMMITTEE. ADJOURNED DEBATE.

### SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th June], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

> To leave out from the word "That" to the end of the Question, in order to add the words "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds,"—(*Mr. Henry Richard,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. MIALL said, that however inadequately he might find himself able to express the views he entertained on this question, he still hoped he should not depart in the slightest degree from that temperate spirit that was exhibited during last night's debate from its commencement by his hon. Friend the Member for Merthyr Tydvil (Mr. Richard) to its close by his right hon. Friend and Colleague the Vice President of the Council. He had never addressed an assembly when he attached more responsibility to the words which he might utter than on that occasion. Undoubtedly the educational question was in a critical position, and from the manner in which it had been brought forward and submitted to the House, it required all the assistance that could be given to it in order to get it through this Session, supposing the House was determined it should be proceeded with. He would not lift his finger to prevent the passage of the Bill unless he was fully convinced it was not adapted to the necessities and wants of the country; but, at the same time, he protested most respectfully, but most firmly, against the position in which his right hon. Friend had placed those who had refused to accept, and who still refused to accept, the religious clauses of the Bill as finally settled by Government. He did not think it was quite fair to cast upon those Members the whole responsibility of defeating the measure, or of preventing a measure for the education of the people passing this Session. There might be something attributable, perhaps, to the measure having been prematurely submitted to the House, and its containing principles which the House and the country could not accept, that had caused this long delay. There had been, as he had said, long delay, and there had also been some mystery; and now when that delay had been got rid of, and that mystery had been cleared up, and the House was informed precisely what Amendments the Government would accept, and what they would reject, he thought it was a little hard that his right hon. Friend should come down to the House and tell them that the Government had at last reached the extreme limit of concession, and that if they refused to accept those concessions, upon them must be the responsibility of casting out this measure; but he did not think his right hon. Friend intended to produce the impression which he believed had been left on the minds of hon. Members on that side of the House, that something like moral coercion was to be placed upon them. He, however, believed that as every hon. Member appreciated the importance of the question, so he would insist upon coming to a consideration of the measure—a measure that touched some of the most vital and important interests of the Empire—with a mind perfectly free from prejudice and fear. At any rate, that was the spirit in which he wished to approach the question. He recognized at once the immense difficulties attaching to the settlement of this question. He did not think it was wise on the part of those who were anxious to pass a measure of that kind to pretend it was not surrounded with difficulties, or that the difficulties were small; but they said on that matter that those difficulties should not in the slightest degree alter the character of the facts. He believed that the country had never been better disposed to reconcile their differences upon the subject of education than they were at the commencement of this Session. They anticipated, as certainly he anticipated, a measure from the Government that would go far towards reconciling the differences between the two sides of the House, and effect a compromise which would allow of a comparatively easy passage through the House of an Educational Bill. He could see in the Government measure the most studious and strenuous efforts made to adopt the Bill to the supposed wants and tastes of the public mind, and yet it was no sooner introduced than it raised almost a storm of excitement. During the last year or two they had had nothing like the contention that had been raised throughout the country on this Bill. This arose from the inherent difficulty of the question. The constitution of society in England made it most difficult to propose anything involving mental, intellectual, moral, or religious progress, without exciting on the one hand or the other deep feeling, and sometimes deep prejudices. He did not wish in the slightest degree to add to the difficulties naturally attending the solution of this question; but he regarded himself under something like a solemn obligation. When a measure of this kind had been brought forward he asked himself two questions which must be answered satisfactorily to his own conscience before he should be able to give it his support. In the first place, he asked, would the measure that had been introduced, and amended, and re-amended, even after it had passed through Committee, be likely to be a permanent settlement of the educational question? He did not think there were many hon. Members who could suppose for a moment that this measure could work longer than 20 years without disturbance, and if the Bill could be described in a few words, he should describe it in these words—

namely, that it was a system of denominational schools supplemented by rate-aided schools. But was denominationalism a basis upon which they were likely to build up a system that would last, and that would adapt itself to the wants and wishes of the country, not for the present moment, but for a-half or a-quarter of a century to come? Denominationalism did not offer a secure basis upon which to rest any enterprize of a moral or religious character. It appeared to him, and he thought the House would agree with him, that from the facts that were continually turning up, the current of religious, as distinguished from denominational thought, now ran in the direction of a broader, more liberal, and perhaps, in some respects, a more indistinct doctrinal creed. And it was quite impossible to expect if this system was to be permanent that it could be made so upon the basis of denominational schools. But there was also this other remarkable fact that ought to be taken into consideration in relation to denominational schools. They came before them after about 30 years' trial. They knew what they were and what they had done, and they knew very well that they had failed. They had failed to supply the whole wants of the country. ["No, no!"] If they had not, what necessity was there for that Bill? They had failed, perhaps, not so much in supplying local wants here, there, or elsewhere; but, taking the country through, the testimony was that both in rural districts and large populous towns the denominational system had failed to reach the evil which the House now wished to remedy. These schools had undoubtedly failed, but not so much in quantity as the quality of the education given in them. His right hon. Friend had spoken of the education given in them being poor.

MR. W. E. FORSTER said, he did not say they were poor from the quality of the education given in them; but that they were poor because the parents of the children were unable to contribute the school-pence.

MR. MIALL said, that if they had failed from the non-attendance of children they had failed to create that interest which a school properly constituted and managed ought to create in this country. For could anyone deny that where schools were properly managed they obtained a larger acquisition of scholars than those that were badly managed? Its history had not been such as they ought to have expected, and they ought not now to have to complain that the system had failed from the quality of education given in the schools. But it was not simply in secular knowledge that they had failed; they had failed to give that for which they were originally mainly intended—namely, to communicate religious instruction to the poor. Look at the classes that came under the instruction of these denominational schools, and tell him whether the moral and religious feeling was anything like what it was before those schools were introduced. He made these observations not in reference to one party alone, but in reference to the schools of all parties. And it seemed to him a little odd that when this failure was confessed they should have a measure brought forward rather to extend the influence of denominational schools, and especially to stereotype the form of teaching the poor, so that there should be from this time a strong line of demarcation between the denominational and the rate-aided system, and that the two systems should never be made to converge. They, however, on that side of the House had never wished that the Government should interfere and destroy those schools which had been created. They had always regarded them as having peculiar claims upon all, because they undertook the work of education when it was most wanted by good and enterprizing men. They had supported those schools for the greater part of a century. They had worked hard in connection with them; and with regard to the clergy who had managed them, they had attended to them, and had endeavoured to make them successful with a self-denial and a perseverance that were a credit to human nature, even to human nature sanctified by Christianity. He did not think that that praise was at all too high. Nobody expected that those denominational schools would under any measure brought forward by this Government be utterly set aside, in order that rate-aided schools should be substituted for them; but what they did expect was that such vitality should be infused into them in order, if possible, to make them perpetual. But what they expected was that rate-aided schools should be placed on such a basis that if the voluntary principle failed, and the existing organization became a burden to those who conducted them, that they should gradually merge into a sounder and a better system; and it was because they did not see any proposition made in that direction, because they found that the tendency of the measure was rather in a retrograde direction in that respect, that they found it absolutely necessary, in the discharge of their own conscience and to make themselves at all intelligible to the country, to put forward such Amendments as were then before the House and the country. He might be asked — and very properly asked—Suppose these denominational and recognized schools done away with, what was the religious instruction that was to reach the poor, supposing that the rate-aided schools were forbidden to employ the schoolmaster to teach religion? He confessed he had listened with surprise to some of the assertions that had been put forward in reference to this subject by Members of that House, who, if they were distinguished by any one thing, were distinguished by their unbounded faith in the value of their own principles. If any Member, especially any Nonconformist Member, should express doubt whether religion could stand in this country 50 years unless it were taught by the State-paid schoolmaster, he confessed that such a revelation to him of the want of understanding or appreciation of those principles upon which they had usually acted as Nonconformists would astound him. For his own part, it was because he attached infinite value to religious education that he felt any objection whatever to the employment of a State-paid teacher in religious teaching at schools. A short time ago the hon. Member for Sheffield (Mr. Mundella) addressed a large public meeting on the subject, and, in alluding to the Bible, the hon. Gentleman appealed to the audience whether there should be taken from it the Bible —that Bible, the first lessons of which they received at their mother's knee—and the appeal to an indiscriminate audience brought down a most enthusiastic response. It was not the lessons of the Bible that touched the hearts of those people, but the reminiscences of the mother, her tenderness, her care, her self-denial and womanly guidance throughout the early part of life came fresh over their remembrance. What he (Mr. Miall) wanted was, that in regard to their schools and their religious teaching they should have something of the tenderness of a mother's care; that love should be the teacher, for love was the lesson to be taught. He did not believe in teaching Christianity as one taught geography. He did not believe in bringing the influence of Christianity to bear upon the formation of the character and the moving of the hearts of young children, such as the gutter children that were put under teaching in State-paid schools. He did not believe in that being done by the mere formal teaching of lessons, whether through the Bible or otherwise. He did believe in a good man radiating influence, moral and spiritual, from himself, even without opening his lips on the subject of religion. He believed in the example of forbearance, of patience, of self-denial, of truthfulness, of reverence, and of all the Christian virtues, in the course of a teacher's carrying out the functions of his profession; he believed that such a man, even though he were forbidden by the State to open his mouth for the direct instruction of children in religion, would unquestionably exercise a far better, higher, more refining, and more transforming influence upon children, than could be exercised by any formal lessons, however good they might be. Unhappily this Bill could not secure—and indeed no Bill could secure—the teaching of such men. There were men who would doubtless be found active under any system in carrying out the first wishes of their hearts in that respect; but if the House wanted men to rise to the occasion, they should leave the matter to the sympathies and the energies of the Christian Church. Depend upon it that so long as they blinded the eyes of society, and led them to suppose that they were teaching religion by means of the schoolmaster to poor miserable little creatures who probably did not understand one word that was addressed to them, so long they would interpose between the religious bodies and that which constituted their proper mission. The religious bodies must organize themselves for that special purpose, and they would do so unless Parliament meddled with their affairs, and pretended to do that by the schoolmaster which could never be done by any but those who had Christian love burning in their hearts. This was the one great mission which was open to women. Under the guidance and direction of the clergy of their respective denominations, ladies might undertake to instil into the minds of those children lessons which they would probably never forget, and exercise over them an influence which would prepare them, at all events, to receive with some degree of susceptibility the truths of divine revelation that might be addressed to them in their after career. He believed that if the State would only undertake to teach that which it could teach, and would leave the religious instruction to be given by those who alone, in his judgment, were competent to give it, the work would be tolerably well done between them. Nothing had ever come out of the House attempting to do that which was naturally beyond its power to accomplish. They had undertaken to teach religion to the great mass of the people, and the people were alienated from Christian institutions. They had undertaken to teach in schools the religious lesson, and they insisted upon that now. What was the consequence? Could they find any distinct traces of the good effects that had been produced by their interposition which would not have been produced supposing they had left the matter entirely to religious bodies? For his own part, he believed that those bodies, when they came to have a clear view of the want of society, would have sufficient of the energy and vitality of religion in them to rise to the occasion, as the right hon. Gentleman had said. If school Boards could be trusted why not the religious bodies? Whether it were in the day school or the Sunday school, the men and women who panted to be useful would feel it to be important to make their lessons interesting and attractive. He believed that in the course of a few years, supposing there were a clear division of duty now made between the State and the religious bodies, they would all recognize the great advantage of the separation, and look back with wonder and surprise to the present hesitation of society to consent to such a separation. Trusting, as he did thoroughly, in the vitality of religion in this country; thinking, as he did, that the spiritual communities in England and Wales would not only show themselves competent to accomplish the end for which they existed in reference to these poor little children; believing, as he did, that the attempt to mix things which could not properly be mixed would be followed by the same failure as had followed the attempt hitherto; looking forward, as he did, to the time when this country should educate by State instrumentality every one of its people, and when the Christian communities of this country would educate successfully the religious susceptibilities and aspirations of the masses, he gave his cordial assent to the Amendment of his hon. Friend the Member for Merthyr Tydvil (Mr. Richard).

SIR CHARLES ADDERLEY: The hon. Gentleman who has just sat down has remarked that this Bill has disappointed the country, which he says desires a more "indistinct doctrinal creed." That is a noble object for the country to have in view. I should have thought it rather a compromise than an object. The hon. Gentleman said the present system has failed; but he was corrected in that by the Vice President of the Council, who remarked that, wherever there were good schools children would come to them. If that is the case, how much must the present schools have achieved already, and where is the necessity for compulsion? If all that is wanted is additional schoolroom, I beg leave to say the existing system has been signally prosperous, and instead of failing it has arrived at a point that no other country has reached. The hon. Gentleman wishes the old system to be merged in a national system; but the probable effect would be to sacrifice the old system, and deprive the country of its ascertained advantages for the sake of other advantages which are problematical, and are moreover hampered by what is called the religious difficulty. The hon. Member for Edinburgh University (Dr. Lyon Playfair), in his able speech last night, expressed his surprise and sorrow that whenever this subject was started for discussion, it immediately ran off on to the religious siding. I do not know how the hon. Gentleman could be surprised at that, as the religious difficulty is, after all, the only topic of discussion in the whole matter. I confess I have never heard the difficulty described as it has been by the hon. Gentleman who has just sat down, for he has given to it a new, and most mystical and visionary character. Whatever the difficulty may be, at any rate it is the only one. When the hon. Member for Dublin (Mr. Pim) brought Scotland forward as a model for us to follow, he must have known that among Scotch denominations there are no differences of creeds or catechisms, and that reference to that country shows us no more than the narrowness of polemics, and on what little sustenance they can be fed. This we ought to bear in mind, that the religious difficulty attaches solely to the new schools in this country, and that it has disappeared entirely from the old ones. Yet the proposition of the hon. Member for Merthyr Tydvil (Mr. Richard), as supported by the hon. Member who has just sat down, is to sweep away the existing system, and to substitute what has been so grandiloquently described as a "truly national system to cover the whole land." The proposition we have to dispose of is to complete what is deficient by sweeping away all that is done. If the system which has done everything hitherto is incomplete, the natural process would be to stimulate the system. I can only account for so absurd a proposition as that of sweeping away what we want to increase, by the belief that jealousy embitters the reformers towards those who have accomplished so much. To a certain extent, the proposition may be attributed to the natural inclination, whenever men propose a new scheme, to make a *tabula rasa* of all gone by. No one here who proposes a new Bill or inquiry goes to the Library first to see and read what has passed already. Finding that we have only one difficulty in our way, and that the difficulty lies only in one direction, is it not clearly wise to avoid that particular direction as much as possible, and to consider what can be done in other directions? As soon as we begin to start new schools upon a new system this religious difficulty will stare us in the face. Therefore, I should say, increase the old schools as much as possible, and have the least necessary recourse to new. There is that insoluble problem, mentioned by the Mover of the Amendment—how can we get everybody fairly to pay for everybody's religion? And it is quite clear no satisfactory solution has been offered to that problem. The Amendment proposes that religion should be shunted on some imaginary siding until parents, who are supposed to be under compulsion to educate their children, and ministers of all denominations, shall meet together and happily dispose of the difficulty among themselves. But what operates decisively against such a proposal is that the country has openly expressed its opinion in direct opposition to it; and although it is the most logical conclusion of the question, yet the country will not accept the conclusion—they will not consent to be logical. That being the case, what is the use of discussing this solution of the difficulty any longer? Then the Bill, as it originally stood, proposed to solve the difficulty in another way—namely, by leaving it to be solved by the ratepayers in each of the localities; and it now appears that the localities decline to undertake this sort of indefinite controversy, which is rendered the more unattractive to them, because it appears as a needless proclamation of controversy which unproclaimed does not trouble them at all. Lastly, it is said that by the sacrifice of creeds and formularies we may possibly appease the spirit of religious discord. I ask the House to bear in mind that the solution of the difficulty thus offered is the best of the device before them, and though it is but a rough and unsatisfactory one, which should not be attached to more schools than necessary, yet it avoids the sacrifice of religious teaching in them altogether by the smaller sacrifice of formularies only. It may be necessary to apply such a Concordat to new schools; but do not let us inflict this sacrifice upon existing schools. I hope that Members of this House, who are eager to introduce novelties on the faith of Government Reports, have seen a letter which has been published by the Rev. Mr. Nunn, of Manchester, showing that the gentlemen commissioned to make out a deficiency in the schools of Manchester and Birmingham have made their Reports upon assumptions, which would not be recognized or admitted by all. They have fully made out a deficiency upon their own large postulates, and done what they were asked to do. I base a very different opinion upon the reports which I have received from persons who are locally acquainted with the subject, and I myself know, in Birmingham, of a great number of schools which are at present but half filled, and that there are means of compelling attendance by existing laws which are not made use of. This keeps up in me a deep regret that when, 16 years ago, I had the honour of introducing as a private Bill the Manchester Education Bill, the measure was not passed; for I felt strongly convinced at the time, as I have been ever since, that the best way of arriving at what will suit the country is to let some great city try the experiment for itself. But the deficiency of education which we have to supply is of a two-fold kind. It is a deficiency of quantity and a deficiency of quality. But the latter deficiency is very much exaggerated. The hon. Member for Sheffield (Mr. Mundella), in speaking upon the second reading of the Bill, had endeavoured to shame this country and to excite their rivalry by describing a state of education as existing in other countries which we could hardly hope to attain. The hon. Member stated that the sixth standard of English examination was below the lowest Prussian standard, and that working men in foreign countries were fit to be clerks in our banking-houses, that they could play and sing, read Schiller, and knew the history of their fatherland. But I ask whether men in this country can expect the cultivation of a class which can command longer time for education to be given to them who must remain daily labourers; or whether we should hope to see our housemaids pass their leisure hours with Shakespeare, and the boys sing as well as whistle, and know history whom poverty places early in life at the plough's tail? Such high-coloured statements as these were not calculated to lead the House of Commons to adopt a higher standard of education than they have yet found practicable, or to bring about any practical reform. Nobody disputes that, making all allowances for exaggeration and sanguine views, there are deficiencies of elementary education throughout England both in quantity and in quality. But if we see any important deficiency in our present education, at least do not let us sacrifice what we have already in order to arrive at what, it may be, we cannot reach. Unfortunately it seems to me that the Government have shown that inclination to sweep away the existing system, and to substitute for it what they call a truly national system of education. They have made this inclination to supersede rather than stimulate clear in various ways. They will hardly give the existing system a fair chance of filling up its own deficiency before beginning the substitution of the new. They take away the "year of grace" which they had themselves declared necessary to give the old system a fair start in its race with the new. But, further than this, the Prime Minister said it was not fair to weight the old schools in their race with the new, the supporters of the former having also to pay their share of rates to the support of the latter. My own proposition, as contained in the Amendment of which I have given Notice, is that ratepayers voluntarily subscribing to public elementary schools, approved by the Educational Department within any district, shall be entitled to deduct such subscription from any contribution to the local rates made for a school Board, to which they would otherwise be liable. If this principle be adopted, the old and the new schools will be placed upon something like an equal footing in the race which they have to run. If without my Amendment the law is passed the result will be this—In the country schools throughout the kingdom there will probably be no difference whatsoever. I believe, with Mr. Cobden, that the Church of England will always have the country schools in their hands, and the farmers will not be eager to incur a rate to relieve their landlords and parsons who have undertaken their schools. But in the town schools the effect will be gradually to extinguish denominational schools, and to turn them into rated schools. There will be a local Board in every town, and there will be a school rate in every town. Where rates and subscriptions are pitted against each other the latter always give way; and in this case the choice to everyone will be between paying rates alone, or rates and subscriptions. I, therefore, entreat the House to consider whether it will not be wise to restrain the effect of this Bill as much as we can, and if we must have a religious difficulty to diminish the area over which it must extend. Let us do everything, first, to stimulate what we have taken 30 years to set going, and which has worked out the religious difficulty and got rid of it. Let us fill existing schoolrooms now empty, and use the Industrial Schools Act, which gives compulsory powers now little used, and then supply what deficiency may still remain with new though inferior means.

MR. VERNON HARCOURT said, he would not attempt by any argument of his own to refute the argument of the last speaker. He would rather meet him on the records of *Hansard*. Some years ago there was a Motion before the House not very dissimilar from that of the hon. Member for Merthyr Tydvil (Mr. Richard) — that it was expedient to promote education by the establishment of free schools for secular instruction, to be supported by local rates, and managed by committees elected by the ratepayers. There were speeches made by Mr. Cobden and others, and there was a speech which, when the hon. Member for Merthyr Tydvil was addressing the House, struck him, and he was induced to go into the Library and get the book. In that volume there was a speech under the name of Mr. Adderley. The hon. Member alleged that religious and secular instruction were both wanted; that one should be based on the other, and that they could not be carried out without a national rate. But all agreed that while that secular education could not be carried out without a national rate, religious education could not be carried out by a national rate. An objection was raised by the right hon. Gentleman that it was impossible to separate secular and religious education; but that, said his right hon. Friend, was a mere play upon words. They acted upon the principle every day of their lives in the education of their children. No man asked his dancing master to fiddle and at the same time teach religion. The two things could be separated with advantage. The advantages of the hon. Gentleman's proposition would be plain and obvious. The necessities of the case were also obvious, and the plan would compel the people to take care of their own schools. That was the only answer he should give to his right hon. Friend. He entirely agreed with what the hon. Member for Bradford (Mr. Miall) had said, that they were placed in a most embarrassing situation with regard to the Bill. What was their original position? Her Majesty's Government introduced a Bill. Diversities of opinion were felt in the House and in the country with regard to its provisions. The whole was founded on the principle of the State endowment of secular education, and a State endowment of religious education; for the endowment was a State endowment, whether it came from a grant of the Privy Council or from a parochial rate. The poor rate was as much a State fact as the income tax. What was the nature of the objection to that scheme? Her Majesty's Government made the religious rate endowment depend absolutely and exclusively on the will of the majority; and the objection was that this would be unfair to the minority. But England had never admitted the principle of the majority in reference to religious endowments. Otherwise the history of the last two centuries might be wiped out. His right hon. Friend the Vice President of the Council returned to the old story, that there was no religious difficulty. It was a little late in the day to assert this. The fact was that there was a great religious difficulty which had stood in the way of education for the last 30 years. [Mr. W. E. FORSTER: That is just what I said.] Some one in the House said that a difficulty had been got up in London and that it had spread over the country. He did not think this was a fair statement of the case. There was a religious difficulty in the question which it was their object to meet. They had been told by the highest authority that the only logical solution was a secular education. He had never been in favour of a secular system of education; and to be told that this was the only logical conclusion of the religious difficulty was not a convincing argument. He had never yet known any great difficulty solved by the principles of logic. They had spent many months in solving the Irish land question; was that solved in accordance with principles of logic? Surely the House had not forgotten the touching farewell of the Chancellor of the Exchequer to the principles of political economy during the consideration of that Bill, which was unquestionably the most illogical measure the House had ever passed? Still, that was no objection to the measure, considering the circumstances it was designed to meet, and the House would have to solve the education question very much in the same way; it would have to frame, not a logical measure, but one suited to the interests of the people. His hon. Friend had taken far more time than was necessary to demonstrate that the sentiments of the English people were in favour of a religious education. He had never doubted it, and agreed with the hon. Member for Merthyr Tydvil (Mr. Richard), that if religion be necessary for all classes of society, above all it was essential to that class of whom it might be truly said that—"If in this life only they have hope, then they are of all men the most miserable." They had been told by his right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy) that the Birmingham League was in favour of secular education. He knew no such thing. The hon. Member for Merthyr Tydvil was not a member of the League. The hon. Member for Birmingham (Mr. Dixon), who presided over that powerful and useful association, did not appeal for or receive support on the principle of secular education. The words on their banner, and in the promise of which they received the confidence of the country, so far as it had been accorded to them—[*Laughter*]—if hon. Members thought that a large extent of confidence had not been granted to that association, they were mistaken — the words inscribed on their banner were "unsectarian education." Unsectarian education, as he understood it, meant something which was not non-religious education—unsectarian education which was not denominational education. It meant something which was opposed on the one hand to secular education, and on the other to sectarian education. And it was because he believed that this was —to use an Americanism—the platform of the Birmingham Association, that he had himself joined the association. If the association took any other ground he would say to his hon. Friend the Member for Birmingham *non hæc in fœdera veni*. The principles put forth in the Amendment of his hon. Friend the Member for Merthyr Tydvil were not the sentiments of that wide and extensive body which collected the interests of all these classes of opinion who were in favour of unsectarian education. The question for hon. Members had now assumed this shape — either undiluted denominationalism from the Government, or secular education from the hon. Member for Merthyr Tydvil. He had resolved to accept neither, and asked whether there was no middle course; whether it was not possible to bring about a system of unsectarian education, a cause which was dear to many, and which he held sacred. He knew that Gentlemen opposite believed in nothing but catechisms and formularies, which they did not understand; but he assured them that the people would have the question argued out, despite the assumption that the question was not debatable. He regretted the absence of the right hon. Gentleman the President of the Board of Trade. Had the House had the advantage of the presence of that right hon. Gentleman the religious difficulty might have been solved. He might have joined in the deliberations of the Cabinet on the point; and in the House he might have given a solution of the question which might have been accepted. But, fortunately, there was a Motion on the Paper in the name of the right hon. Gentleman in favour of non-sectarian education, and though he and his supporters might be beaten by believers in denominational education on the Opposition side of the House, joined with the Catholic vote, they had the satisfaction of knowing that they were supported by a majority in the country. They were told that nobody could understand what was meant by unsectarian and undenominational education. But these words came from somewhere, they were used by some people, and people who used them imagined that some sense attached to them. They used the word "Christendom" without using it in a theological or a polemical sense, and they did not thereby refer only to Catholic Spain or Italy, only to Lutheran Germany, or only to Episcopal England, but they expressed by the term something which was common to all. Sects had persecuted one another, and had still held a faith which was common to all. He would ask leave to describe what he meant by unsectarian religion, in the words of a man whose opinion would be received with respect in the House and everywhere by the English people, whose change of views was a great loss to one Church and a great gain to another. In his *Grammar of Assent*, published this year, speaking of sects, John Henry Newman said—

"These are only denominations, parties, schools, compared with the national religion of England in its length and breadth. 'Bible religion' is both the recognized title and the best description of English religion. It consists not in rites or creeds, but mainly in having the Bible read in church, in the family, and in private. Now, I am far indeed from undervaluing that mere knowledge of Scripture which is imparted to the population thus promiscuously. At least in England it has to a certain point made up for great and grievous losses in its Christianity. The reiteration again and again in fixed course, in the public service, of the words of inspired teachers under both covenants, and that in grave, majestic English, has, in matter of fact, been to our people a vast benefit. It has attuned their minds to religious thoughts; it has given them a high moral standard; it has served them in associating religion with compositions which, even humanly considered, are among the most sublime and beautiful ever written; especially it has impressed upon them the series of Divine Providences in behalf of man from his creation to his end; and, above all, the words, deeds, and sacred sufferings of Him in whom all the Providences of God centre. It has been comparatively careless of creed and catechism, and has in consequence shown little sense of the need of consistency. What Scripture especially illustrates, from its first page to its last, is God's Providence, and that is nearly the only doctrine held with a real assent by the mass of religious Englishmen. Hence, the Bible is so great a solace and refuge to them in trouble. I repeat, I am not speaking of particular schools and parties in England, whether of the High Church or the Low, but of the mass of piously-minded and well-living people in all ranks of the community."

That was a description of what, from a long and accurate observation of the English people, the writer believed to be the unsectarian religion of the English people, though he was himself dissatisfied with it. The great mass of the English people were, he believed, satisfied with it; and it was upon this religion, if upon any religion at all, they could found a national system of education. The hon. Member for Bradford had truly said that the present tendency of education was in an unsectarian direction. And it ought to be so. The undoubted tendency of all modern civilization was to obliterate the line of distinction which differences of place, climate, and race had created. They had learnt that, financially, the least likely method to become rich themselves was to rob their neighbours or artificially to impede their commerce. Their foreign policy was no longer based upon hostility to other nations, and should it be said that religion was to be the only question which should not be subservient to the law and the progress of civilization? If the House could found a scheme of national education on the great principle of unsectarian education, it would confer upon the country one of the greatest blessings it had ever received from the House. The entire speech of the right hon. Gentleman the Vice President of the Council was in favour of undenominational Bible religion. It was easy to say that those who advocated it were not school managers; but the Nottingham and Leicester declaration, signed by pages of schoolmasters and managers, showed that the Government scheme was unworkable, and asked for a scheme of national education founded upon the principle of undenominational and unsectarian religion. The Vice President said that was impossible; but the right hon. Baronet the Member for Droitwich (Sir John Pakington) said the reverse. Whatever might be the logical objections to such a scheme, it was that which most people desired. They did not want secular and they did not want denominational teaching, but they wanted something that was neither the one nor the other; and they did not want to be placed in the position the Government were forcing them into, between denominationalism and secularism. They were told that this scheme could not be put into an Act of Parliament, but the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple) could be; but the right hon. Member said that, in his opinion, his Amendment would not exclude the creeds of the Church of England, because they were equally held by the Church of Rome and were not distinctive of any sect. What a protection for Nonconformists! The question was, whether a declaration in an Act of Parliament would be of any use. If the right hon. Baronet opposite were engaging a master for a school on his estate, he would say to him—"I wish you to teach religion, but not in a manner which shall be offensive to any." The right hon. Baronet would not write down the dogmas he wished to have taught, but his verbal instructions, without any definition, would be carried out; and if they were not, the parishioners would soon come to him to have the matter set right. Why could not the State, as the great patron of all National Schools, act in a similar manner? They did not require a definition or a Pope, for without setting himself up as a Pope the right hon. Baronet could see that the consciences of his Dissenting tenants were not outraged. He would exercise common sense in a responsible position, and he could not see why Parliament and the English nation were not to do so. Was it in the least necessary to have nothing that could not be interpreted by a Court of Law? If a parish complained that a master was violating his obligations, an Inspector would be sent down, and if he found there was a good ground of complaint he would say to the master—"It won't do, and if you persist the Government Grant will be withdrawn from the school." They did not want to talk logically on this subject. He was adverting to an illogical solution that would satisfy the country; but the Government had adopted an illogical solution that would satisfy nobody. They declined to make a declaration that would be observed in 99 cases out of 100, and in the hundredth could be easily set right. Instead of doing that they adopted what he would call a "Whig" Amendment, by which he meant an Amendment which pretended to be liberal, but was not liberal at all; and which pretended to do something, but always ended in accomplishing nothing. Its authors were conscious that it would not work, so they wanted to see it in the Bill. The security it offered was not worth twopence. It really sanctioned denominationalism, and yet it was offered as a settlement of the question to those who disliked denominationalism. It could only have one result—to revive the religious difficulty in all its bitterness, and to make the school Boards the centres of strife and bitterness. There was something further. As a compensation to the other side of the House for their having to give up creeds, catechisms, and formularies, they were to receive a larger sum of money for their denominational schools; and the offer of the Government had been attended with the happiest effects, although he should have thought it strange that Gentlemen on the other side of the House should have been so willing to give up their religious convictions on the subject in return for a pecuniary compensation—that they should say, in effect—"We will let the rate-aided schools go where they like, on the condition that we have the sum of between £300,000 and £400,000 to spend as we like upon the existing schools." Hon. Gentlemen opposite, however, appeared to be very well satisfied with their bargain. The great difficulty they had to understand was why the offer was ever made. Nobody asked for it, and no one, he felt convinced, was more surprised at the offer being made at all than were hon. Gentlemen opposite, who were evidently contented with what, without intending any offence, he might call a species of political simony. He would, however, warn hon. Gentlemen opposite that they on that (the Liberal) side of the House were no parties to the arrangement. The Government might offer them this aggrandized grant out of the public funds for the denominational schools; but the Liberal party did not endorse the offer. The Government were not the authorized agents of the party in or out of that House to insure the perpetuity of such a grant. There was no clause in the Bill which referred to such an increased grant. It would, therefore, be the subject of an annual Vote; and he felt convinced, moreover, that it would be the subject of an annual wrangle. They had never concurred in the Privy Council Grants in favour of denominational education; but as they were in existence they had abstained from attacking them. If, however, the friends of those grants endeavoured to get another 50 per cent, that truce was at an end, and he would venture to say that no Government could be sufficiently powerful in this country—even adding the whole force of the Opposition—to carry year after year this aggrandized grant for denominational education out of the public funds. The question would be re-opened annually, for the contest would not be allowed to subside. The right hon. Gentleman at the head of the Government had stated that the Government proposed to transfer to the Educational Vote the grants to Roman Catholic schools in order to make them more certain. But did the Government think that certainty was attainable when the opinions of Members in that House on the subject of Catholic endowments was remembered? How could hon. Gentlemen go to the country and their constituents, and say that while they had abolished the Protestant Church in Ireland, they had also increased the endowments of Catholic schools by 50 per cent? He objected to the Government scheme, because it was founded upon denominationalism, the tendency of which in religious matters was to separate Christians and to foster doctrines inimical to the welfare of Christian society and the interests of religious truth, while in educational matters its tendency was to multiply small schools instead of consolidating them into large ones, which were always better adapted for educational purposes than small ones. What, for instance, would be the effect if they had one set of schools established for red-haired boys and another for black-haired boys? Another objection he had to denominational schools was that they were apt to become the appanage of the rich, the dependencies of the great house and the parsonage, instead of becoming public property, in which all classes would unite to take an interest and a share in the management. On that ground he deplored the change which had taken place in the Government Bill; he had hoped to see these schools not the eleemosynary dependencies of some great house in the neighbourhood, but an institution in which the farmer, the grocer, the village apothecary, and men of all classes might take their part in the work of national education. And the last ground on which he objected to denominationalism was that it was incompatible with compulsion. They were to be separated from the local Boards; they were to be put as a charge upon the English Exchequer, with an additional 50 per cent for their maintenance; and, after all this extravagant preparation, if the guests did not come to the invitation, the Government refused to go into the highways and hedgeways and compel the outcasts there to come to the feast that was provided for them at the public expense. They were about to spend the public money extravagantly, and yet they would not take the proper measures for putting the schools so provided to their proper use, by compelling children to attend them. He confessed that he stood, with regard to this question, in a most embarrassing position. He could not vote for the Amendment of the hon. Member for Merthyr Tydvil (Mr. Richard), for it offended all his convictions; it was both secular and sectarian—it was secular as regarded the school itself, because it excluded all religious teaching; it was sectarian outside the school, because it left education exclusively to those whose interest it was to convey religious instruction in the most dogmatic form. But he could not vote for the Bill, because he believed that it was impossible to build upon it any sound or satisfactory fabric of national education because it was founded upon the principle of pure and undiluted denominationalism.

Mr. COWPER-TEMPLE said, that the speech of the hon. and learned Gentleman who had just sat down was based upon shadowy and theoretical notions of that which was unsectarian. The hon. and learned Gentleman made much of the differences in religious opinion and the difficulty they would produce in the work of teaching; but, in fact, these were unsubstantial fears. He, and those who acted with him, had never been able to find these difficulties. They had sought high and low; they had inquired of all the schoolmasters they could get at; they had sent inquiries to various schools on the subject—they had asked them how they managed to get over the religious difficulty; and the answer they invariably received was that there was nothing to get over—that they had never found any difficulty in the matter. The teaching that was suitable to elementary schools did not touch the disputed points of sectarian controversy, and the minds of the children were not capable of grasping them. The difficulty was theoretical and not real. But though the principle embodied in his hon. and learned Friend's Amendment was generally adopted by Liberals, he had not surmounted the difficulty of language. It was not that the word "sectarian" was unintelligible—they all knew what it meant; the difficulty arose from its having too many meanings, and hence it was incapable of being defined in legal language. Supposing it were enacted that a party man should not be a manager of the schools. Everybody would know what a party man meant; but no legal definition would exist of the breach of the enactment. With regard to his own Amendment, which had been accepted by the Government, he wished to say that it did not emanate from the Educational Union, nor was that Union composed entirely of Church people; on the contrary, it included men of all parties and denominations. But he did not propose his Amendment as the organ of the Union. He had had communications both with Churchmen and Nonconformists on the subject, and it appeared to him that it was an Amendment which would secure the object they all had in view—of excluding sectarianism, while it would not interfere with the freedom of the schoolmaster. It combined an important principle of the Union with an important principle of the League. The important principle of the Union was freedom of religious teaching. The important principle of the League was that the teaching should not be sectarian. The hon. Member for Birmingham (Mr. Dixon) had an Amendment on the Paper which proposed that the schoolmaster should not inculcate the tenets of any religious sect. But unless the schoolmaster was a secularist, and had no religion, he must hold the tenets of some sect, and the adoption of this Amendment would fetter him in his giving explanations of a passage of Scripture which he might think unsectarian, but on which other people might be of a different opinion. If these words of the hon. Member were to be inserted in an Act of Parliament, they would prove a trap for the schoolmaster and a restriction on his freedom. But he did not apprehend any difficulty in construing the words of his Amendment, because it did not apply to a matter of opinion, but to a matter of fact. It would hardly ever become a matter of controversy whether a particular document had or had not a tendency to lead men more to one Church than to another. So far as he knew there were only three religious bodies that used catechisms in schools—the Church of England, the Roman Catholics, and the Wesleyans. The Apostles' Creed was not the property of any particular denomination, but belonged to all Christendom. Then it was said that there were people who would be coerced in their consciences if there was any teaching of religion. That implied that there was a sort of neutral condition, something which was neither secular nor religious. The question was whether or not there should be moral training in the schools founded by the State, or whether those schools were to be different and inferior in that respect to all existing schools. It would be impossible to enact that the children should not be instructed in the duty of obedience to the moral law, and in a sense of responsibility to their Maker. If there were to be no moral training in the schools, how could they be justified in passing the compulsory provisions of the Bill, obliging parents to send their children to the schools, though they might want the earnings of those children for the purpose of clothing and feeding them, and forcing the ratepayers to contribute towards the expense of the schools out of their scanty incomes? If there was to be moral training, it must either be based upon the sanctions of the Divine law, or upon the dictates of self-interest. The latter was irreligious, for it rested conduct on a motive which Christianity was promulgated in the world to restrain. If no religious instruction were to be given, the parents who wanted it would be as much entitled to complain of violation of their conscience as the secularists, and they were entitled to the preference as being the majority. Besides, those who objected to have their children taught religion had the protection of the Conscience Clause; but if they reversed their proceedings and taught no religion, there would be no Conscience Clause for those who wished it. The hon. Member for Merthyr Tydvil said that all religious teaching ought to be given by Dissenting ministers and clergymen, and not by schoolmasters. He naturally quoted, in support of his views, that High Churchman, Dean Hook, for these two extremes met in a common repudiation of religious instruction by laymen. That was not the view of the Liberal party. It would be a very heavy blow to good education if it were to be held that the trained masters, educated in denominational training colleges, were not fit to be intrusted with the education of children under the Bill. No system of national education could be carried out unless the minority agreed to yield to the majority. National education must be complete. It must include moral training. Morality must be based on Christian motives, or on motives antagonistic to Christianity. Between these two the State must choose. There was no third alternative. If the rights of individual consciences were to be pushed forward to an exaggerated and illogical extent, there could be no common action, and it would not be possible for all parties to unite to establish a system of national education which should be accepted by persons of different religious opinions. He thought the Leader of the House was quite justified in his assertion that payments from the public would be applied by the Bill only to secular instruction, and thus he had cut away the foundation for the most serious and important opposition which had been made to the Bill.

Lord ROBERT MONTAGU retorted upon the hon. and learned Member for Oxford the charge he had made that hon. Members on the Opposition side of the House "used formularies which they did not understand," saying that the speech of the hon. and learned Member, and especially the negative terms which he had so frequently used, were not understood by the House, and that the hon. and learned Member probably had himself no clear conception of their meaning. He desired, he said, a religious instruction which should be "undenominational" and "unsectarian." The hon. and learned Member's ardent desire for such a vague and foggy religion, reminded him of the German Rationalist, who confessed that he was a wild worshipper of dark negations. The hon. and learned Member also quoted, with approval, a passage from the recent work of Dr. Newman. He, too, had read, with the greatest interest, Dr. Newman's *Grammar of Assent;* and if he remembered rightly the context of the passage, Dr. Newman was trying to show that there was nothing positive in the religion of Englishmen; that, beyond a belief in "God's Providence," there was nothing in the Protestant religion but mist and negation. He did not desire to sit under such an imputation; he trusted that he might truly profess a better faith than that. The objection made to the Bill by the hon. and learned Member for Oxford was that it was a State endowment of religion; for, said he, any payment out of the public funds which is wholly or in part appropriated to the teaching of religion, is a State endowment of religion. Well, then, the Poor Law was a State endowment of religion, for there were paid chaplains for workhouses. There were also paid ministers for prisons, so that the Vote for Law and Justice was a State endowment of religion. The Votes for the Army and those for the Navy were no better; for Episcopalian, Wesleyan, and Roman Catholic chaplains were thus paid by the State. It might be said, also, that the Civil List was a State endowment of religion; for although the Crown voluntarily surrendered the management of the Crown Lands in exchange for a Civil List, yet the money was granted only on the condition that the Sovereign should profess and maintain the Protestant religion as by law established. If the hon. and learned Member was right in his definition of a State endowment of religion, and if his principle was that every such endowment should be abolished, he was prepared to run a tilt, in very Quixotic fashion, against both the religion and the Constitution of the country. The hon. Member for Bradford had charged the Government with having exercised a moral coercion over their followers below the Gangway. The truth was that those followers below the Gangway were attempting to coerce the Government. When the original measure was introduced on the 17th of February it was received with acclamation by hon. Members sitting below the Gangway on the Government side of the House; or, as the hon. Member for Edinburgh University expressed it—"it was hailed as an important measure; but, somehow, it got on a political siding." For as soon as it was found out that the Conservatives, with the view of arriving at a settlement of the matter, had determined to lay aside their own opinions on the subject, and accept the measure as a compromise, then an agitation was commenced by the Radicals, meetings were called, and articles appeared in the newspapers denouncing the Bill and demanding concessions. Well, then the right hon. Gentleman the Vice President of the Council laid his Amendments upon the Table just before Whitsuntide; these contained great concessions to the Radicals, such as the Time Table Conscience Clause, the Ballot, and the abolition of the scale of voting in the Vestries. These concessions were, at first, deemed satisfactory by the hon. Gentlemen below the Gangway. But again, directly it became known that the Conservative party would not oppose them, the same tactics were repeated, agitation again arose, more meetings were held, violent speeches were made, violent articles were written, and the Government were forced to introduce what was practically a new measure. Again the Conservative party determined not to oppose the compromise, but to accept it, much against their desire, so as to effect a final settlement of the question. They made no difficulty, but determined to help the Government to pass their Bill; and that was why hon. Members below the Gangway now raised a storm of opposition against it. That was a simple history of what had occurred; the coercion had come, not from the Government, but from those sitting below the Gangway. The position of the right hon. Gentleman at the head of the Government reminded him of the famous engraving by Retsch, the German artist, of a good man playing at chess with the Devil for his soul; and he trusted that in the present case the latter would not win the game. The hon. and learned Member for Oxford had further stated that the Government had offered a bribe to the Conservative party to induce them to accept the measure. By such an expression the hon. and learned Member betrayed great contempt for the character of Members of Parliament. A bribe? How could that be a bribe which was given to both the parties? The 50 per cent which they were to receive would also be received by the other side; and, in fact, the income of the latter party would be more certain than that of the Conservative party, or rather the managers of the denominational schools. He would make this clear in a few words. According to the original Bill, there were to have been three kinds of schools:—rate-provided schools, rate-aided schools, and schools in connection, as at present, with the various religious bodies. According to the present Bill, the second class of schools would not be created, and there would be only two contending bodies—the system of rate-provided schools, and the system of denominational schools. Now, the Prime Minister had stated that it was a principle of "vital importance," that they should frankly accept on equal terms the system of denominational schools. He said, and the Vice President said the same at Bradford, that the Bill was to supplement, not to supersede the existing system; it was to fill up deficiencies, but not destroy. Now, were the two contending bodies equally weighted under the proposed arrangement? In one case the rates, and in the other case the subscriptions were to cover one-sixth of the school expenses; but the rates were secure, and were levied by law; the subscriptions were doubtful, had to be begged for, and were hard to obtain. Again, the subscribers to existing schools were also to be rated for the support of the new schools; thus imposing a double burden on those who consented to subscribe; moreover it was well known that rates always killed off voluntary gifts. Thirdly, the rates were borne equitably by all the inhabitants in a parish; while the subscriptions were shared by very few. The subscribers to denominational schools would, therefore, be much more heavily weighted. Again, the promised increase of 50 per cent in Parliamentary Grants—which was to be given to both classes of schools—was to depend on the passing of a new Code. This must, as was well known, be laid upon the Table of the House for 40 days, before it could become law; and it had been intimated that it was not to come into force until the beginning of the next financial year. But this Bill, which gave all the advantages to rate-provided schools, would come into force as soon as it was passed. The hon. and learned Member for Oxford had intimated what would happen before the beginning of the next financial year; he had promised a great and long-continued agitation throughout the country against any increase of grants; the whole question would, therefore, be re-opened in the next Session of Parliament, the opinion of the House might be changed by means of a pressure from without, the new Code might be modified or rejected, and thus the so-called bribe might not be obtained at all. The present denominational schools would in that case receive nothing but injury, while the new secular schools would obtain from the rates all that they wanted to cover their expenses. Again: the Code was at all times subject to change by the Privy Council; so that even if the promised advantages were obtained, they might be soon taken away. Moreover, the money payments made under the Code had to be voted year by year in Committee of Supply; so that a yearly contest would be invited in Parliament, and the necessary supplies might, in any year, be curtailed or stopped. There would, therefore, be a double chance of starving out the denominational schools, while the new secular schools would always be secure of supplies from the rates. This was hardly the "kind of permanence" which the Prime Minister had said that they had the right to expect. Again, all building grants were to be stopped by the Bill; the building of new denominational schools would, therefore, be seriously discouraged; while the expenses of building secular schools would be covered by the rates. The two contending systems of schools were, therefore, by no means equally weighted; and the bribe was offered not to the Conservative party, but to the ultra-Liberals below the Gangway, who were now opposing the Government measure. He would now turn to the vital question on which the debate turned—he meant the religious difficulty. It was very clear that the country would not have a purely secular education. Could it have an undenominational education? Now, he asked, could there be an "unsectarian religion," a "neutral religion," a "common Christianity?" These terms sounded very well, but the thing did not exist. He did not believe in the existence of that mystical "common Christianity" which was so lovingly dwelt upon by the hon. and learned Member for Oxford. The phrase "undenominational religion" described an impossibility. As the hon. Member for Merthyr Tydvil had said — "An eclectic religion, which excludes what is unacceptable, is impossible." If every religion were partly true and partly false, and if it were possible to separate the false from the true, then such a thing might be; but then it became an imperative duty on those who had this power of sifting, to perform that operation at once; so that they might have one religion for the whole land, which should be wholly true and authoritative, and so that they might all worship together in the same churches on Sunday. Then also would there be an end to the many questions which disturbed the political atmosphere and divided opinions in the House; the Irish Church question, and the English Church question, and the Free Church question; the Prison Ministers Bill, the Tests Bill, the Burials Bill, and other kindred measures would never more be heard of if there were but one religion in the land. But it was sheer nonsense to talk of a "common Christianity." His opinion was, that if religion was worth anything, it was a positive and precise assertion of truths—a dogmatic assertion of truths, if hon. Members preferred the term—more positive than the assertion of truths by any science, and far more important. It became, therefore, a matter of the highest importance for every man to inquire anxiously, studiously, honestly, and unflinchingly, and to decide which religion could be accepted as such. But whether there could be an unsectarian religion or not, yet, as the Prime Minister had said, it was impossible to prescribe such a religion by Act of Parliament. To do so, Parliament must either lay down a complete system of Canons and Articles of Faith, it must guarantee this neutral religion and embody it with authority in State school-books—which would be the proper work of an Œcumenical Council—or else Parliament must set up a living authority—an infallible Pope — to decide in each case which tenet was unsectarian and which was not. Yet this latter was the very thing which the Prime Minister proposed to do, although he had told them just before that it was impossible. By excluding formulas and catechisms, he, in fact, set up the school teachers as "living authorities" in matters of faith; and this was what his right hon. Friend next him (Mr. Disraeli) had meant by saying that the Prime Minister proposed to make of the teachers "a new sacerdotal class." He would explain his meaning by an example: — The Apostles' Creed would be excluded because it was a formula, and because it was not accepted by Deists, Jews, Unitarians, Baptists, and others. But the teacher would not be precluded from teaching the truths which were contained in the Creed, although he was forbidden to use the words of the Creed. Not only the truths of the Creed, but any other truths or falsehoods might then be slipped into the doctrinal teaching of the master. He would be forbidden to say "Born of the Virgin Mary;" but he might teach this truth while adding to it the words "who was immaculately conceived," or "who was born without original sin." For a formula is a check upon doctrinal teaching; it is a restraint upon individual caprice and theological opinion. The hon. Member for Cambridge University had yesterday asked, What is a formulary? But, like Pilate, when he asked, What is Truth? he turned away and did not wait for an answer. A formulary was a form of sound words which wise men, acquainted with the subject, had considered the best means for conveying certain truths; and a catechism was a formulary adapted especially for instilling certain truths into the minds of the young. Now, if truths were to be taught, they must be conveyed either in a formulary, or else in a form of expression which was not so well adapted to the purpose. There could, therefore, be no objection to a formulary in itself, but only to the truths which it conveyed. Moreover, by forbidding the use of religious formularies, the teaching would not be rendered undenominational; the only result would be to render the teaching less effective for conveying religious truths to the mind. If any religious teaching was given, it must necessarily be denominational. The hon. and learned Member for Oxford had expressed such contempt for logic, that he, perhaps, would attach no weight to the old rule—*posito genere, ponitur species*—that if a thing belonged to a genus, it belonged to some one species, and was an individual of that species; and if a teaching was religious, it belonged to some one denomination of religion. The only question, therefore, was, whether religious truth should be taught at all. But if the master had religious feelings, it was impossible to prevent him from instilling his religious principles into the minds of his pupils. He might do so insensibly and unobserved, or openly and obtrusively; but he was sure to do it. If a boy told a lie, for instance, was it to be supposed that the master would not mention the high and true ground for abhorring falsehood, and would seek for some low and base motive for telling the truth? But if he appealed to religious motives, he must mention the Redemption and the Divinity of Christ and other doctrines. As long as masters received a religious education—as long as your present training Colleges existed—as long as the masters were not professed Atheists, so long would you have religious teaching in the schools. Was it not better then that this teaching should be given with the check and restraint of a formulary, than with the caprice and whim of individual opinion? Was it not better that it should be open and above-board, and that all should know what denomination of religion was being inculcated by the master? The following conclusion had therefore been arrived at:—If religious truth was to be taught at all, the teaching must be denominational; and it was better that it should be conveyed by formularies than without them. Those who desired that no religious instruction should be given—that is to say, the secularists—were very few in number, and might be put out of consideration; at least, not one of those who had spoken as yet had dared to avow as much. What, then, was the principle which lay at the foundation of the opposition which was now offered to the Bill? There was, indeed, a principle which he was prepared to grant, not because he thought it absolutely true, but because it was what lawyers called "very arguable," and he would grant it for argument's sake. The principle was, that it was unjust to take a man's money to teach that to which he conscientiously objected. This, according to the hon. Member for Merthyr Tydvil, was "the principle at the very foundation of religious liberty." It must be observed that it applied to any taxation for promoting secular teaching, as much as to taxation for inculcating religious knowledge. There was also a principle on the other side—namely, that religious education *per se* was good; religious education, apart from all accidental considerations, was to be desired. This opposing principle, which lay at the foundation of the policy of the Conservative party, had also been acknowledged by the hon. Member for Merthyr Tydvil, for he said—"Religion is by far the most important element of all, in education;" and he said that he desired "the most positive and distinctive religious teaching." The question before the House was, therefore, whether these two opposing principles could be reconciled. Now, the present system of Privy Council Grants, together with a Conscience Clause, seemed fully to reconcile these principles; it retained a religious education, while it did not infringe the principle of making no man pay for teaching that of which he disapproved. Every man subscribed his money to a school of that denomination which he liked best; and the State paid only for secular results, and neither taught nor examined in religion. It was true that the Archbishop had requested that when an Inspector examined a Church school in secular matters for the State, he might at the same time examine in religious matters for the Bishop of the diocese; and this request was granted;

but there was no teaching of religion or examination into it on the part of the State. The State, however, took a security for the inculcation of religion, by requiring that every school, by means of its trust deed, should be irrevocably in connection with some religious body. The present system seemed, therefore, to reconcile the two principles. Why, then, was it not maintained? Because the Prime Minister had said that there was a destitution of the means of education in some places; that there were gaps, here and there, in the system. The present system, it was well known, left the initiative to the energy and goodwill of the locality, on the old principle of local self-government; while the educationalists of the present day desired to place all the power and the initiative in the hands of the central Government, so as to override local varieties and force a crop of schools in every place. In the first place, he denied that the educational destitution was very great. Moreover, it was yearly decreasing very rapidly. Nearly 1,000 new school departments were annually brought under the system, and 136,000 more scholars every year. The present yearly supply of masters was scarcely enough to meet this ever increasing demand; and if schools were to be rapidly forced in every place, they would have to be carried on without trained masters. Nevertheless he would, for argument's sake, grant this position also; and yet he asserted that it was possible to maintain the two opposing principles, even in a system for providing schools out of the rates. Let it be remembered that the fundamental principle of religious liberty required two things; if a man's money might not be made instrumental in teaching that to which he conscientiously objected, then, in the first place, the schools in which various persons had invested their money, might not be made instruments in teaching that to which they objected; and secondly, individuals might not be rated for the support of an education to which they objected. The former proposition forbad them to starve the present schools, and to force them to transfer themselves to the school Boards; and the latter allowed every person to determine the appropriation of the money which he gave for the support of a school, so that he should not feel aggrieved by paying to the support of error; or so that, if he were a Congregationalist, he would be at liberty to give voluntarily, instead of being rated to the support of education. He would make these principles more clear by examples. With regard to the former, it might be supposed that in some district, a Roman Catholic school Board was elected; the schools provided by them would, therefore, be Catholic, although the use of formularies was forbidden. Would it, then, be just to starve out all the Protestant schools in the district, until they were driven into transferring themselves to the school Board, and becoming Roman Catholic schools? In the rural districts there would be school Boards composed of members of the Established Church, and their schools would be Church schools, although no formularies would be used. Would it be fair to allow them to starve out all the Baptist, and Catholic, and Dissenting schools in the district? In many towns the school Boards would be composed of Dissenters, who, because of the varieties of their religious views, would agree to establish secular schools. Would it be just to allow all the religious schools in the district to be starved out? With regard to the second proposition, he would take the example of a parish where all the schools had been provided by the school Board, or had been transferred to the school Board, and were, therefore, all of one character—whether secular, or Roman Catholic, or Church. But suppose that a few parents conscientiously objected to that character of school, should they not be at liberty to pay to the support of a master of the character which they preferred? These propositions seemed but reasonable. For if a minority were to be free to withdraw their children from the religious teaching in a religious school, the majority should be free to give a religious teaching in a religious school. If the consciences of some were wounded by teaching the religion of one sect to the children of another sect, then the consciences of others were wounded by teaching the unreligion of one sect to the children of the rest of the nation. If some persons said that it was unjust to take their money to teach a religion of which they disapproved, others said it was unjust to take their money to teach the unreligion to which they objected. He might mention, in passing, that he had put on the Paper an Amendment to the 47th clause, to carry out these views. It was taken from the Canadian School Act, which had been passed in 1848. That Amendment would unfortunately not suit the measure as it now stood after committal. He came now to the Amendment of the hon. Member for Merthyr Tydvil. The effect of that Amendment would be to starve out all religious schools, thus violating the fundamental principle of religious liberty, on which it was supposed that the Amendment had been framed. But, he would say, why might they not starve out the denominational schools? In the first place, he answered, because it was directly contrary to their fundamental principle; and, in the second place, because it would be a gross injustice to do so. Those schools were all private schools. They had been built by the activity and liberality of the religious denominations, who had borne the burden and heat of the day, and had fought the battle of the State against ignorance and obstructions, for more than 35 years. They surely had a tenant-right more than all those misguided persons of Ulster whom the Prime Minister had taken under his special protection. Moreover, these religious bodies had received a guarantee from Government; they rested on trust deeds which were framed on the Government draft, and under the eye of the State; the Government were, in all honour, parties to a contract with these religious bodies, for the permanence and support of their schools. Were these religious bodies to be asked to give up all their rights, and do that which they conscientiously abhorred, under penalty of a gradual but sure starvation? And this was to be done under the sacred name of religious liberty! If these guarantees were broken, if these trust deeds were swept away by Parliamentary enactment, if these contracts were ignored, if the plighted faith and honour of the State were set at nought, then would all those persons who despised authority, and plotted to overturn all government, have a warrant and excuse for their nefarious conduct. That he had not been overstating the case would appear from the following quotation from the Report of the Duke of Newcastle's Commission (p. 309):—

> "During the last 20 years several thousand schools have been established in connection with the system in different parts of the country. These schools are private property, and the founders of many of them are still living. They are connected with particular religious denominations, and the fact of that connection formed the chief inducement of the subscribers to contribute towards their foundation. The foundation-deeds were drawn up, in a great measure, under the direction of the Government. The managers would, in our opinion, be very harshly treated if the assistance at present given to them were transferred to schools founded on a different principle without any proof that they had failed to render the services for which the grants were paid, or if they were refused further contributions, except upon the terms of altering the constitution which they were so lately compelled by public authority to accept, and upon the faith of which such contributions were made."

Let the House, in the next place, consider the effect of this injustice on the cause of education. An immense force had been required to plant these 15,000 denominational schools. It was religious zeal, so hard to quench, which had covered the country with the means of education; it was the flywheel of our educational machine. All this would be enlisted against them; those injured religious bodies would struggle against them and against their secular system. What had they to oppose to this great power? Secularism could not supply such force, nor awaken such zeal and fervour. Secularism was cold, and had no enthusiasm. Then why should they turn an old ally against them, who had fought their battle till now? The religious bodies would still seek to exert a spiritual influence over the young in spite of your secular system; they would still have schools as nurseries of their congregations, to strengthen a sect, or to aggrandize a Church. In America the secular system was now crumbling away and denominational schools were springing up on every side. In New York large sums were voted every year for the support of Roman Catholic schools. In that country, when the secular system was established by law, the religious bodies were weak because they were widely scattered; yet the denominational schools were gradually conquering the territory from the secular schools, and seeking to remedy the evil moral influence of secularism, and to redeem the degradation of the populace. ["No!"] If hon. Members doubted his assertion let them consult a book published in Philadelphia, called *The Common School System in the United States*. It used language far stronger than any which he had ventured to employ. That was the result in America where the religious bodies were scattered and weak. What would be the result in England, where the religious bodies were strong and united, and had been in possession of the territory long before our school system had been established? Or let them consider the example of every other free country of the world. In no country of Europe were children compelled to go to secular schools. Mr. Matthew Arnold said, in his *Schools and Universities of the Continent*—Preface. 1868—

> "Most English Liberals seem persuaded that our elementary schools should be undenominational, and their teaching secular, and that with a public elementary school it cannot well be otherwise. Let them clearly understand, however, that on the Continent generally, everywhere except in Holland, the public elementary school is denominational, and its teaching religious as well as secular."

With regard to Prussia, the Bishop of Manchester (Dr. Fraser) in a recent address, called it "intensely denominational;" and the Report of the Duke of Newcastle's Commission contained these words—

> "The clergyman of the parish is *ex officio* local inspector, and, as such, has the management of the school as well as the duty of visiting it. He is also personally charged with the religious instruction, which is minute and laborious. . . . Almost all the schools in Prussia are denominational. Mr. Pattison says, 'In poor and remote villages a few mixed schools may still remain in the Rhine Province, but they are only kept so by the poverty of the people, and are yearly disappearing before the advance of wealth and population.'"

With regard to Canada, the Bishop of Manchester said, speaking of the Canadian School Act (12 *Vict.* c. 50, s. 18)—

> "Whenever in any municipality the regulations and arrangements made by the Commissioners of any school are not agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such municipality, the inhabitants so dissentient may collectively signify, in writing, such dissent to the Chairman of the Commissioners and give in the names of three trustees chosen by them—for three years, one retiring each year—which trustees shall have all the powers and be subject to all the duties of School Commissioners, for the purpose of establishing and managing dissentient schools. They become a corporation, may constitute their own school districts, have the sole right of fixing and collecting the assessments to be levied on the dissentient inhabitants, are entitled to receive out of the general school fund appropriated to the municipality a share bearing the same proportion to the whole sum allotted that the number of children attending such dissentient schools bears to the entire number of children attending school at the same time in the municipality, and a similar share of the building fund."

With the example of these great free countries before their eyes, he asked them not to repress religious liberty while pretending to unfetter consciences.

Mr. OSBORNE MORGAN said, he quite agreed with his right hon. Friend the Vice President of the Privy Council that a grave responsibility rested upon those who interposed needless obstacles to the passing of the Bill. But he could not help thinking that a still graver responsibility attached to those who, in their anxiety—their laudable anxiety—to pass an Education Bill at any price, were endeavouring to force the Bill through Committee in the delusive hope that if the Bill were passed the religious difficulty would settle itself. Now, the right hon. Gentleman told them pretty plainly that, in his opinion, the religious difficulty was an imaginary difficulty—a difficulty of their own creating. If that be so, all he (Mr. Osborne Morgan) could say was that the right hon. Gentleman and his Colleagues had shown a wonderful disposition to run away from shadows, for they had twice remodelled their Bill in deference to what they now called an imaginary difficulty. But, be that as it might, he (Mr. Osborne Morgan) would at once own that like every other speaker who had addressed the House—except the right hon. Gentleman himself—he believed that there was a religious difficulty, and what was more, he believed that that difficulty would be aggravated instead of being removed if the Bill were allowed to pass. And believing that—and believing too with his hon. Friend the Member for Bradford (Mr. Miall)—that they were now at a critical turning-point in that question, and that if they took the wrong turn, if they got into the wrong groove, they would have to retrace their steps with infinite labour and at infinite cost, he did entreat the House to pause before it irrevocably committed itself to what he believed to be a step in a wrong—nay, in a retrograde direction. Let him go back for a moment or two. They embarked upon this discussion with three distinct proposals before them for remedying what he presumed the Government itself now admitted to have been a defect in their original Bill—namely, the unlimited power vested in the school Boards of prescribing the religious instruction to be given in the rate-created schools—a question upon which, as far as those schools were concerned, the religious difficulty really hinged. One of those propositions had been absorbed into the Government Bill. The second had disappeared nobody knew where; and the third was that which was embodied in the last part of the Resolution of his hon. Friend the Member for Merthyr Tydvil (Mr. Richard), which was really no more than the proposal enunciated 25 years ago by that excellent man and orthodox Churchman Dr. Hook, that the State should confine itself to the teaching of secular knowledge, leaving religious instruction to the free unfettered action of the different religious denominations. He (Mr. Osborne Morgan) had always held—and he was fortified in his opinion by the high authority of the Prime Minister—that this was the only logical solution of the difficulty; but what he had heard in the course of that debate convinced him that it was not only the only logical, but the only possible solution of that difficulty. Let him say a word about the other two proposals. First, there was that of his right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple)—which was now the Government Amendment—to exclude religious catechisms and formularies from rate-created schools. Well, unfortunately, that proposal satisfied nobody, except his right hon. Friend himself, who felt a very natural regard for his own offspring. The noble Lord who spoke last (Lord Robert Montagu) would not have it at any price. The hon. Member for the University of Cambridge (Mr. Hope) regarded it as an abomination, and certainly it did not satisfy them. And why not? Because it promised a great deal and did nothing. It cavilled at the form, but accepted the substance. It strained at the gnat, but swallowed the camel. Why, without bringing himself under the ban of the Amendment, he would undertake to teach the most sectarian dogma in the world. Without trenching upon it, a Roman Catholic schoolmaster might teach the doctrine of transubstantiation; a High Churchman might teach the doctrine of Baptismal regeneration; a Calvinist might teach the doctrine of election and predestination; a Mahomedan might teach "that there was but one God, and Mahomet was his prophet." As had been already remarked, the provisions would only apply to three Churches—the Church of England, the Wesleyans, and the Church of Rome; and so far as it had any application to those bodies, its operation would be limited to transferring the religious teaching from the Church to the individual teacher—a result which he should have thought nobody could have approved. Then it would incidentally weaken the operation of the Conscience Clause, for if the religious teaching be less explicit, it was obvious that the protection of that clause would be more uncertain. And now he came to the second proposal, to confine religious teaching in the rate-created schools to what was called "unsectarian" teaching. Now, he admitted that for a long time he cherished the hope that some compromise of that kind might be arrived at. But there was this difficulty in the way of such a solution. No human being had, as yet, been able to give anything like a satisfactory definition of what he meant by "unsectarian" teaching. His hon. and learned Friend the Member for Oxford (Mr. Harcourt), whose courage and ingenuity were equal to most things, had attempted it. He said—"The words come from somewhere, therefore they must mean something." And when he was pressed for a definition, he said—"By unsectarian teaching I mean undenominational teaching." Well, he (Mr. Osborne Morgan) supposed if he asked him what he meant by "undenominational" teaching, he would answer "unsectarian teaching;" and so they would go round in a circle and never get any further. Well now, to take the simplest form of religious teaching—Biblical instruction. Was it not obvious that the moment they entrusted that duty to the teacher they really put a margin by the side of the sacred page on which the teacher wrote his own gloss, and what the child learnt was not the Bible only, but the teacher's gloss; in other words, he got his religious instruction coloured by the mind of the teacher. Then they had the other alternative, which he could not help thinking was seized upon as a last resource, that the Bible should be read "without note or comment." Why, did anyone really believe that a child of six or eight, or even ten years old, reading the Bible for the first time, without any sort of explanation whatsoever, would really understand it? But even were it otherwise, they had yet to define what they meant by the Bible; for, remember that, without speaking of the Jews, who, of course, would not admit the New Testament as part of the Bible, they had to deal with Roman Catholics, who consired what they regarded as the sacred version to be a class book of heresy. Now, if, as he thought, he had shown the Government proposal to be valueless; if the proposal of his hon. and learned Friend the Member for Oxford was so indefinite that nobody would even undertake to define it; if the reading of the Bible without note or comment be really no religious teaching at all, he asked what remained but the proposal of his hon. Friend? And he rejoiced to see that in dealing with that proposal every speaker as yet had done justice to the spirit which actuated his hon. Friend in bringing it forward. Nobody who knew his hon. Friend—himself a minister of religion, reflecting as he did, as faithfully as any man in that House, the convictions of the deeply-religious community which he represented—would suspect him of underrating the value of religious teaching. Speaking for himself, he could truly say that he regarded religious teaching as the backbone of a people, and that he hoped to see the day when every little child in this country would be taught the Bible as soon as he was able to understand it. But the question still remained how and by whom would this instruction best be given? Would the plant flourish best when it was left to grow up on its own soil, or when it was taken up and forced in a State hothouse? Now, he could not help thinking that there was nothing so unreasonable as the panic which came over Englishmen when it was proposed, as they called it, to "divorce" religious instruction from State teaching; for his own experience told him that the strength and the depth of the religious convictions of people were just in inverse proportion to the pains which the State took to enforce religious teaching. He would not cross the Atlantic and cite the United States as an example, for he observed that when any hon. Member of that House referred to anything which took place in that Republic, somebody else rose up and asserted exactly the contrary, and it frequently ended in both being right, and still more frequently in both being wrong. He would take the case of a country which he knew well—the Principality of Wales. The British Schools in Wales—which were really national schools, for what were called the National Schools were so only in name—were, if not secular, at least undenominational. ["No, no!"] Well, he would not quarrel about words. Of this he was sure, that the Welsh children, speaking generally, learnt their religion not in the British Schools or the National Schools, but in the Sunday schools and in the chapels. And what was the result? Did the Welsh boys and girls grow up "young heathens," "little intellectual devils," as he thought one hon. Member predicted it would be the fate of children who were not taught religion by the State to become? So far from that being the case, there was no part of the kingdom where the Bible was so much taught and so intelligently read—in which the Sabbath day was so strictly observed, in which places of religious worship were so much attended as in that same Principality of Wales. And now let him show them another picture. In Prussia, and generally in North Germany, religious teaching was enforced as a matter of State discipline. The Prussian boy was drilled in religion as he was in soldiering—he was literally "dragooned" into it. As a condition of entering upon any trade, of being apprenticed to any trade, he was obliged to produce a certificate that he had been "confirmed"—and "confirmation" in Protestant Germany implied something very like a degree in divinity. It necessitated a course of doctrinal instruction over two years, and a public examination at the end of it, after which the successful candidate for confirmation was often as good a divine as many a clergyman of the Church of England. But did all this examining and drilling make the Prussian people religious? The answer to that question was given in a very interesting letter to *The Times* last autumn, in which it was stated that in Berlin, out of a population of 500,000, only 30,000 ever went to church, and five-sixths of those were women and children. In Dresden, where the same system prevailed, out of a population of 150,000, only 7,000 ever went to any place of worship. If they asked a Prussian for an explanation, he would tell them—"Oh, we had enough of that when we were at school." And the reason was obvious enough. In religion men, and children too, must be led and not driven, and the business of the schoolmaster was to drive, as the business of the minister was to lead. They said they had no machinery adequate for the purpose; but they had in this country 50,000 ministers of religion, and an army of 300,000 Sunday school teachers devoted to this labour of love. They paid many millions annually for the support of a State clergy. He did not underrate the great efforts they had made, and the great sacrifices to which they had submitted in the cause of religious education. But was it not a very poor acknowledgment of those efforts and those sacrifices to take away from them that which ought to be their highest duty and their greatest glory, and to hand it over to those whom the right hon. Gentleman opposite (Mr. Disraeli), with as much truth as wit, termed a new "sacerdotal caste;" and that, too, at a time when they were told that the supply of that very class was about to fail them altogether? Before he quitted that branch of the subject, let him quote a passage which bore upon it from that very speech of Mr. Cobden to which the Prime Minister referred last Thursday. Speaking of a proposal that in all schools religious education should be given at the expense of the community, he said—

> "That involves one or two difficulties and objections which I think are insuperable. In the first place, what a reflection it is upon the office of religious teachers! They (the clergy) say he will make schoolmasters the teachers of religion."

Did they propose that schoolmasters should graduate in a course of divinity in order to be qualified for that instruction? Why, how they discounted and degraded their own profession in making a schoolmaster, who never taught divinity at all, on an equality with clergymen, and calling upon him to give religious instruction! And, he must add, that nothing had surprised him more in that debate than to have the great name of Cobden appealed to in support of the principles of that Bill. It was Mr. Cobden who, in 1851, supported Mr. Fox's Motion, which was in substance identical with that of his hon. Friend. It was Mr. Cobden who pointed out the absurdity of making "everybody pay for the teaching of everybody else's religion." But was not that just what they did by that Bill? It was the old story of church rates over again, with the difference that the church rate was levied for the benefit of one denomination, and the school rate might be levied for the benefit of 20—a system of concurrent endowment with a vengeance. Now, he did say that it was a little disheartening to those who had spent the best part of their lives in trying to get rid of that obnoxious impost, to have the same yoke fastened on their necks in a different shape by a Liberal Government, supported by a Conservative Opposition. He did not blame hon. Gentlemen opposite for their support of that Bill. They knew well enough that its effect in the rural districts of England, about which they were most concerned, would be to place the education of the country in the hands of those in whose hands they naturally wished to place it, in the hands of the squire and the parson. But what would be its effect in the large towns, where parties were more evenly balanced? He did not hesitate to say that in those places every election of school Boards under it would be a sort of borough election on a small scale. There would be the same passions created and the same party cries. He did not know whether they would take the form of "Robinson and the Thirty-nine Articles," and "Jones and down with everything." It was useless to say that those explosions did not occur now. The fallacy which run through such reasoning was this—that they were now, for the first time, introducing an entirely new system, under which education was to be not only common to all, but supported by all. They had, therefore, not to consider only the children, or even the parents. They had to think of a third party, who was likely to prove a very troublesome and cantankerous element in the case, and who would have a voice in the application of the money which they took out of his pocket—the British ratepayer. Therefore, an entirely difficult set of considerations arose; but, even under the present system, there were not wanting symptoms that things did not work quite so harmoniously as the right hon. Gentleman the Member for the University of Oxford would have them to think, when he told them that nothing was more common, even in Wales, than for Dissenting parents, and even Dissenting Ministers, to send their children to Church schools. Mr. Bowstead, in his Report to the Privy Council last year, p. 280, gives a very different picture. He speaks of the sacrifices made by working men—especially in Wales—to secure for their children an education consonant to their own views of religion, and says that though education on the principles of the Established Church have been freely offered, nine-tenths of them are Nonconformists, and, instead of accepting those offers, they struggle at whatever cost to establish unsectarian schools of their own. He says—

> "It is a common practice in South Wales for masters of works to form a school fund by deducting a small poundage from every workman's wages, whether the workmen have children or not, and by means of this fund to give a free education to all the children of the people employed. It is much to the credit of a great majority of the employers that they consult the wishes of the working population in the class of schools which they establish, and whenever this is the case the system produces admirable results. . . . But there is another class of works in which the employers use the fund collected by a deduction from the men's wages to establish Church schools, and to bring up in Church principles a set of children whose parents are generally Dissenters in the proportion of at least 9 to 1. In some cases of this kind, which have come under my notice, I find great discontent prevailing among the people employed. In several of them the workmen submit, as they are obliged to do, to the deduction of the poundage, but send their children to other schools, and pay the usual school fees for them there; thus they pay twice over for the education of their families."

He thought that the House would agree that those were not very promising materials out of which to construct a "school Board." Human nature was pretty much the same at bottom everywhere, and if they in that House who lived in what was supposed to be, metaphorically at least, a cooler atmosphere, found themselves engaged in interminable squabbles the moment a theological question was mooted—if they wrangled 10 times as long over a Bill relating to religion as they did over a Bill relating to anything else, what result might they report when the same explosive element, that "religious nitro-glycerine," as an hon. Member called it, came to be handled by excited and half-educated men, by small farmers and small tradesmen, led on by the parson on the one side and by the deputy minister on the other? Before he sat down he would wish to say one word about the other part of his hon. Friend's Resolution, that which related to the proffered increase of the grant to existing denominational schools — the Bill, be it observed, recognized two distinct systems of schools. The existing schools, which were, of course, voluntary, and for the most part purely denominational, and the new schools, which were to be founded on the rates. When they had two opposite systems of education, or, indeed, of anything else running side by side with each other, the probability, nay, the certainty, was, that in the long run the one would outrun and in time destroy the other. He freely admitted that when he first saw the Bill he cherished the hope that the rate-created schools, with the assistance of the clauses of the Bill now struck at, would gradually absorb the denominational ones. But what would be the effect of these last Amendments? By the increase of the grant to 50 per cent they would be giving a new lease of life to the old denominational schools, and strengthened as they would be by that grant, and possessing the advantage which they would have in the innate dislike of every Englishman to pay rates, they would gradually swallow up and absorb the rate-supported schools; so that instead of the lean kine eating up the fat kine, it would be the fat kine which would eat up the lean! Now, he asked, was that the sort of Education Bill, charged as it was with denominationalism, which they had a right to expect from a Liberal Government? But, before he answered that question, let him ask another; what would be said if he were to propose what would be in words, at least, a very small alteration in the Bill? If he were to move in the 2nd clause to omit the words —"This Act shall not apply to Ireland." But the turn of Ireland must come next year, and they could not, in a matter of Imperial importance like this, legislate on one principle for England and on another for Ireland. And yet they knew very well that the same system which, when applied to England, would hand over the education of the country to the squire and the parson, would, when applied to Ireland, hand over the education of the country to Cardinal Cullen. Let hon. Gentlemen opposite bear that in mind; and let them take warning by the fate of M. Guillotin, the French physician, who invented a most ingenious machine for cutting off other people's heads, but ended by having his own head cut off by his own machine. But they told him, and it was really the only answer to their arguments—The country had pronounced against the severance of religious and secular teaching, and, therefore, it was useless to urge it. Nothing was easier than to say that the country had pronounced against a thing; but he could not help thinking that the feeling of the country had undergone some change on that subject even in the last six months, and he believed it would undergo a still greater change in the course of the next six months, for time was always on the side of logic and reason. But be that as it might—be the opinion of the country what they would—their duty, the duty that was of those who, like his hon. Friend and himself, held it radically wrong to tax one man to pay for the teaching of another man's religion—was perfectly clear; and, while they held themselves ready hereafter to accept the best compromise they could get, they would be guilty of something more than inconsistency—they would be guilty of sheer cowardice, if they did not at that stage of the Bill protest, feebly it might be, ineffectually he feared it would be, but still protest, honestly and earnestly protest, against the extension and perpetuation of principles which, in their hearts and consciences, they condemned.

MR. M'ARTHUR said, he was unwilling to give a silent vote on this question. He could not support the Amendment of his hon. Friend (Mr. Richard), which he was sorry had been so drawn up as to embrace three questions, each of which was distinct, but all of which no doubt bore on the main issue. It would have been better if the Amendment had been confined to one, or at most two, of those subjects. He quite agreed with his hon. Friend in his opposition to the increase which the Government proposed to make in the grant to denominational schools; nor could he think otherwise than that the Government had made a mistake in adopting this policy. As the hon. and learned Member for Oxford (Mr. Vernon Harcourt) very properly said, nobody called for it from either side of the House, and it was most unfortunate that the Government should have introduced the subject. He hoped when this Bill was introduced that the great question of national education would be settled this Session, both sides of the House desiring a settlement and manifesting a spirit of compromise. The general feeling among all classes was that denominational schools proper should not be disturbed, and this compromise was entered into by Gentlemen on that (the Liberal) side of the House. There was another class of schools called rate-aided schools, which the Government proposed to assist by grants from local rates. That was also accepted. But the Government had completely altered its first plan, and proposed to incorporate the second class of schools with the first, and had increased the grant to 50 per cent. Now, this would be objected to by the Nonconformists to a man; and there was another class who were also Nonconformists, though not known by that name, the Wesleyan Methodists, who would not support such a proposal. They had appointed three large committees to take this question into consideration, and these committees having met yesterday passed unanimously a resolution which he held in his hand, and which ran as follows:—

> "That the compromise by which the Government has proposed to settle the existing differences by the exclusion of voluntary schools from local rates, and the provision of increased aid to them from Parliamentary Grants is strongly condemned by this committee, and that in the judgment of the committee Clauses 22 and 23 should be restored to the Bill, with the addition of the Amendment already accepted by the Government, that in all rate-aided schools denominational formularies should be excluded."

He agreed with his hon. Friend (Mr. Richard) on the question of compulsion, for he was convinced that it was impossible to meet the requirements of the country and get at the lower depths of crime and poverty unless the compulsory system were adopted. But with the latter part of the Amendment he could not agree, and he was convinced it was opposed to the almost unanimous feeling of the country. The hon. Gentleman who had last addressed the House had expressed an opposite opinion; but had he visited the manufacturing districts, or had he been present at a meeting which was held last week in Exeter Hall, of the working classes, he would have found that the almost unanimous feeling of that class of the population was opposed to a mere secular system. What they said at that meeting was—"We want increased facilities for education, we want compulsion, but on no account do we wish to have the Bible excluded from the schools." He listened with great interest to the speech of his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt), and was under the strong impression that he made out a very good case. He (Mr. M'Arthur) could not understand how persons could fight about mere sects and parties, and contend that there could be no common Christianity about which we could all agree. Now, he believed there was a Christianity apart from creeds and sects, one wide enough to embrace all, in which Christians of all denominations might agree, and a common ground on which all differences might disappear. They had a meeting in Westminster Hotel, at which they had all the masters of the different schools in the metropolis, and they were, as well as the committees, opposed to the Government proposals, which he had condemned. No one could go into a school and interest the children by examining them on dogmas; but, if he explained to them the simple facts of Bible history, he would attract their attention. The last report of the British and Foreign Bible Society testified to the success of the system of undenominational instruction. He would ask the hon. Member for Merthyr Tydvil what influence would be exercised over the minds of the children if they banished the Bible from the school, and how would it be possible to impress them with the ideas of right and wrong? He defied them to teach morality without the Bible, and contended that, if the House did not allow the Bible to be taught, teachers would be deprived of an immense power for good. As a teacher of long experience had remarked, without the Bible they would be weakened and disarmed. He believed the feeling of the country generally was, that to banish the Bible from schools would not only be a great mistake, but would also be a national sin; and he reminded hon. Members that there were many subjects that could be taught from the Bible on which all denominations were agreed. The Bible had done more than anything else for the common school system of America, while with regard to Ireland nothing could be more perfect than the national system which was established by the late Lord Derby. It was said that next year a Bill would be introduced to deal with education in Ireland; but no greater injury could be done to that country than to interfere with the present system, and he hoped the Government would not attempt to do anything of the kind.

Mr. DIXON moved the adjournment of the debate.

Debate *further adjourned* till *Thursday.*

## PUBLIC SCHOOLS.

### HER MAJESTY'S ANSWER TO THE ADDRESS.

The COMPTROLLER of the HOUSEHOLD (Lord Otho Fitzgerald) brought up Her Majesty's Answer to the Address [30th May], as follows:—

*I have received your Address representing that you have considered the Five Statutes for determining and establishing the constitution of the new Governing Bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, and expressing your desire that, as since the passing of the Public Schools Act,* 1868, *the Endowed Schools Act,* 1869, *has passed, I will be pleased to refer back those Statutes to the Special Commissioners appointed under the Public Schools Act, in order that they may have the opportunity of reconsidering certain parts of the said Statutes with reference to the principles applied in the Endowed Schools Act to other Endowed Schools :*

*And I shall give directions in accordance with your Address.*

## LORDS SPIRITUAL BILL.—LEAVE.

Mr. SOMERSET BEAUMONT, in moving for leave to bring in a Bill to relieve Lords Spiritual (hereafter consecrated) from attendance in Parliament, said, that he had adopted this form of procedure rather than that of a Motion, because in 1837, when a similar proposal was made, Sir Robert Peel had objected to it not so much on account of its substance as of its form. If it were possible for him to suppose that such a reform as this would ever be proposed in the other House, he would not have come forward on the present occasion; but that man must be of a sanguine disposition indeed who could believe that the Bishops would ever bring in a Bill to relieve themselves of their Parliamentary duties. The Prime Minister had spoken of the Bishops as great public officers, and the House was justified in dealing with them in that capacity. It was unnecessary for him to enter into any long historical disquisition on that occasion. He had only to submit a plain and simple question, whether—however much the Bishops might have contributed to the wisdom of Parliament in former times—in the year 1870 it recommended itself to the common sense of the House and the country that in times like the present, when they were the representatives of a Church that hardly—if indeed it did—own the allegiance of the majority of the nation, that they should have the exclusive right of sitting in Parliament? He would attempt to show that this Motion was both reasonable and opportune. He believed that the presence of the Bishops in the House of Lords was advantageous neither to the Church nor to the State. How could it be advantageous to the Church? Did the Bishops speak on any ecclesiastical question, or upon any question whatever, with more weight and authority than any other Member of the other House would do? He ventured to say that, if the Church were in danger, or if ecclesiastical questions of importance were under discussion, many noble Lords whom he could name, lay Peers, could speak with far greater authority, and would create far less suspicion and distrust, than these right rev. Prelates. He contended that their presence in the other House was not advantageous to the Church, because it was recognized on all sides, by the friends of the Church, that a reform more required than any other was an increase of the Episcopate; and when measures had been submitted either to this or the other House, with the object of increasing the Episcopate, they had been shipwrecked mainly for this single reason—that the Bishops did not wish to see a new order of Prelates who would not have seats in that House. He believed that on almost all sides the attempt was given up to show that the Church benefited by the presence of the Bishops in Parliament; for, in a remarkable pamphlet by Dean Stanley on the connection between Church and State, important as the writer deemed the maintenance of that union, he dwelt but lightly on the seats of the Bishops in the House of Lords, which, he said, were important not so much in giving them additional dignity, as in bringing them into free and equal intercourse with the laity, and under the direct control of public opinion and of public questioning. Now, he would appeal to any hon. Member whether the Bishops had shown that they were under the influence of public opinion and public questioning? But, if their presence was not useful to the Church, he denied that it was useful to the State. As far back as the year 1833 the ancestor of his hon. Friend who was to second his Motion that night said, in that House, that the Bishops were accustomed in the House of Lords to use all their influence against reform. That was the sentiment expressed by Lord King; and when, in 1837, a Motion of that kind was before the House of Commons, what did Mr. Charles Buller—no fanatic, but a man whose name was still mentioned with respect in that House—say on the subject? He said—

> "Let them look through the annals of the House of Lords, and they would find that the Bishops did not possess one legislative claim on the gratitude of the people; that on the gratitude of Governments they had many claims, but none on the gratitude of the people; that, on the contrary, whenever any question was brought forward which agitated and interested all England, the Bishops were always found banded together as one man to defy the wishes of the people."

The House knew how they voted last year on the University Tests Bill; and it would have an opportunity of knowing how they would vote on an Education Bill. He desired it to be understood that he spoke of the Bishops simply in their political, and not at all in their personal capacity. Had the Bishops acquired a claim on the gratitude of the people since the days of Mr. Charles Buller? There was no one in the present day who would justify the presence of the Bishops in the House of Lords on account of their support of popular measures. The only persons among whom that delusion seemed to exist were themselves; for, if his memory served him rightly, one of the right rev. Prelates justified their presence in the House of Lords on the ground of their representing the "democratic element." Either a Bishop's notion of democracy must be very curious, or else his own was very erroneous. In 1865 the present Bishop of Winchester said, in the House of Lords, "that order, "meaning the Episcopate, "existed only for the benefit of the mass of the people." Ungrateful people! That reminded him of his Latin Grammar, and he was tempted to exclaim—

> "O fortunatos nimium, sua si bona nôrint,
> Agricolas!"

He believed that there was a growing feeling in favour of this Motion among the clergy themselves; and he had received a letter from a vicar in Yorkshire, whose name he was not at liberty to state, in which the writer said—

> "I wish you every success in your proposed Motion respecting the Bishops in the House of Lords. It may be interesting to you to know that the clergy in the North of England to a man are in favour of your measure. I have been at a ruridecanal meeting last week, in which nearly all present spoke in favour of the Motion. As the Bishops are of no use to the Church in the House of Lords, we think they had better descend to their respective dioceses, where their presence might be of incalculable use."

He wrote to his correspondent to say that if such was the feeling of the clergy in that part of the country he should be glad if they forwarded a Petition on the subject. This was the answer he received—

> "I beg to state that while the clergy's sympathies and opinions are as I state, they would hesitate publicly to declare their sentiments. The reason is manifest. The Bishops are patrons of nine out of ten of the clergy, and their only hope of preferment, therefore, is the Bishops. They dare not offend the only men they know who can be their friends. Again, some of them may hope hereafter to effect an exchange with some other clergy. The Bishop in each diocese can put his *veto* upon such removal, however desirable it may be to the clergy concerned."

The opinion of Mr. Ryle, a clergyman who represented a large body in the Church, was that the Bishops would be much more usefully employed in their own dioceses—that it would take away their attention from politics, and would relieve the Prime Minister from the necessity of appointing them from political considerations. At an important meeting of the Church Institution, held under the auspices of hon. Gentlemen opposite, on the 25th of May last, and at which the noble Lord the Member for Liverpool (Viscount Sandon), the hon. Member for Salford (Mr. Charley), and the hon. Member for Mid-Cheshire (Mr. W. Egerton) were present, the hon. Member for Cheshire said that to the two Archbishops and the three superior Prelates of London, Winchester, and Durham, he would give seats in Parliament, so that here was a proposal emanating from an hon. Gentleman on the other side well known for his attachment to the Church, which recommended limiting the number of Bishops in the other House. It was true that one of those at the meeting described the meeting as revolutionary and much to be deprecated; but that was always the case when anything new was brought forward. The fact was, that the presence of the Bishops in the House of Lords did not recommend itself to the common sense either of the laity or the clergy. An hon. Friend of his had sent round a circular showing the shortcomings of the Bishops for the last three centuries. He did not, however, propose to touch on the historical ground, for he held that the Bishops were not to blame for being in Parliament, but Parliament was to blame for keeping them there. In that position they had acted as any other class would have acted—neither better nor worse. In 1837, Sidney Smith, writing to Archdeacon Singleton, spoke of them in these terms—

> "What is called taking care of the Church is taking care of the Bishops; and all Bills for the management of the clergy are referred to the concoction of men, who very naturally believe that they are improving the Church when they are increasing their own power."

He maintained that the presence of the Bishops in the House of Lords was advantageous neither to the Church nor to themselves. One might say that Episcopal legislation was in a chaotic state. He would not refer at length to the various Bills brought into the other House with a view to increase the Episcopate. A Bill to increase the Episcopate was brought forward as lately as 1867, which, although supported by the high authority of the hon. and learned Member for Richmond (Sir Roundell Palmer), yet had, despite his advocacy, to be withdrawn. But, besides that, other measures had been adopted to supply the want of more Bishops. The first of these—the Bishops' Resignation Bill—was passed only last year, and its operation was obliged to be limited to two years. Of that measure the right hon. Member for Kilmarnock (Mr. Bouverie) had said that it was thoroughly inefficient and incomplete, and that it could not, as a permanent scheme, be defended for a moment. The Prime Minister himself seemed to be conscious of its provisional character, and he expressed his desire that the question should be openly and broadly raised. That he had endeavoured to do on the present occasion. But the Bill passed, and hon. Members were aware of the difficulties to which it had given rise. It did not meet the wants of the increase of the Episcopacy, and the Government had accordingly felt themselves obliged to avail themselves of an Act of Parliament which had been passed some 300 years ago—the Prime Minister being driven almost to make excuses for having recourse to so old a measure. He had now endeavoured to prove that the presence of Bishops in "another place" was of advantage neither to Church nor State, and that his Motion was opportune. He did not propose by this Bill to impose penalties against Bishops for sitting in the House of Lords. He only wished to abolish a privilege which he maintained was inexpedient, unjust, and unreasonable; and he would remind hon. Members that it would always remain within the high discretion of the Crown, even if the Bill which he asked leave to introduce should become law, to call up, if it should think fit, eminent Prelates to the House of Lords, just as was now done in the case of eminent lawyers and soldiers. He did not know how the Government proposed to meet his Motion. He trusted, however, that the Prime Minister would not object to it on the ground of its vagueness, or say that in making such a Motion he was aiming at the disestablishment of Church and State. He would be frank with the House. He did not pretend to have made up his mind on all questions, and he had not made it up on the question whether the connection between Church and State was or was not desirable. But he felt certain that if the Government refused to entertain reasonable proposals for reforms in the Church, which were on all sides acknowledged to be urgent, he and many others might hereafter be driven to support Motions which might be brought forward for the disestablishment of Church and State. He would, however, appeal to the Prime Minister, who was doing so much to command the sympathies of his supporters, not to refuse to entertain the present Motion — a Motion which, he thought, commended itself to the common sense of the laity, of the clergy, and which, he ventured to predict, would recommend itself ultimately to the common sense of that House. The hon. Gentleman concluded by moving for leave to bring in the Bill.

MR. LOCKE KING said, he had great pleasure in seconding the Motion. It would, in his opinion, be scarcely creditable to a House of Commons elected as the present had been so much more in accordance with the real feelings of the people, if such a proposal as that made by his hon. Friend were not submitted to its notice. The subject was by no means a new one. It was one which had been brought before Parliament very soon after the passing of the Reform Bill of 1832, when times were very different from those in which we were living. The promoters of the Reform Bill were rather alarmed at the noise they had made, and there was a wish with some that very little fruit should be reaped early in the day from the passing of that Bill. Times had changed, and many hon. Members were lovers of change. The changes made by hon. Gentlemen opposite had led to a great deal of change, and the Prime Minister had shown a disposition to believe in change, provided it was founded on justice and reason, and could be proved to be beneficial to the country. He considered the present time most opportune for the introduction of such a measure, for these were days of great and extensive measures of Church reform. Not long since they had a very large measure of Church reform. They had only just seen a Church disestablished, and a whole Bench of Bishops removed, not receiving a lifelong interest in the House of Lords, but having only one year of grace allowed them. They were removed because they had too little to do, whereas they now sought to relieve the present Bishops of their duties and responsibilities in the House of Lords because they had a great deal too much to do. They were told they required suffragan Bishops, because their labours were too much for them. An obsolete statute had been dug up, passed in very different times and for a very different purpose. He did not wish to dig up an obsolete statute; but to bring to light a statute passed many years ago, that was repealed in perhaps the most corrupt time of our history. The Preamble of the statute, repealed by that profligate Monarch Charles II., in the most irreligious period of our history, recited that—

> "Whereas Bishops and other persons in Holy Orders ought not to be entangled with secular jurisdiction, the office of the minister being of such great importance that it will take up the whole man, and for that it is found by long experience that their intermeddling with secular jurisdiction has occasioned great mischief and scandal

both in Church and State, His Majesty, out of his religious care of the Church and souls of his people, is graciously pleased that it be enacted, &c."

That was the Act which he desired to re-establish, and although he did not admire the Monarch who passed it, yet, as compared with Charles II., he was a virtuous and pious Sovereign. Some years ago it was thought desirable to increase the Episcopate, and one Bishop in turn was always left without a seat in the House of Lords. He wished to know whether the dioceses—for all but four had been in the position of having a Bishop without a seat in the House of Lords—had ever complained on that account? Had they complained of these Bishops being too much in their dioceses. After all, the great question was, was their presence desirable in the House of Lords or not? Did they strengthen our political institutions or not? Did they strengthen the Church of England itself or not? He did not wish to detract from the great oratorical powers possessed by the Bishops, from their smartness of repartee in debate, and other eminent qualities; but he must say he always looked on a debating Bishop as a Bishop out of his place. He regarded him as a great actor, a great orator, and generally came away after hearing him in that great Assembly, with a wish that he belonged to some other profession than the Church. In Catholic countries the law did not allow them to sit by right. In Protestant countries the law did not allow them to sit at all. But in this country there was a kind of mysterious arrangement, which was made more absurd by placing the Bishops in a particular corner of the House of Lords, dressed in a particular dress, and he wished to call attention to the fact that when they attended religious meetings they went in an ordinary dress; but when they appeared in the House of Lords they might be described as resembling sacrificing priests at the altar. They appeared there in a most remarkable costume. They mingled in the strife of political life, giving and receiving in turn very hard knocks. There was a time when it was said the Press was severe on the Bishops; but the hardest blows ever inflicted had been given and taken by the Bishops themselves. He was once present in the House of Lords when a Bishop stated what he had no right to state, for it was not founded on fact. He (Mr. Locke King) was speaking moderately when he made that remark. The Bishop was followed by a very experienced debater, who had been a Cabinet Minister, who said—

> "This had been slanderously stated: if anybody but a Prelate had said it, he should have said it was false, for false it was: whilst that which was consistent with the facts was sneered and laughed at, and that which was not only inconsistent with truth, but the very reverse of truth, if it were told as truth, was imputed against the conduct of a fellow-labourer with himself—he was entitled to say he was a slanderer who thus attacked, and that the slanderer was foul and calumnious. . . . . . . The right rev. Prelate, acting on the most approved maxims of dealers in slander—not that he imputed to his right rev. Friend any malignant feeling, for he sincerely believed that he was led away by that which caused many a spiteful thing to be said in debate without any such thing being meant—namely, the love of an epigram, combined with the love of a cheer."

[*Cries of* "Name!"] He would rather not name the Bishop; but the speaker whose words he had quoted was Lord Brougham. He (Mr. Locke King) felt that if the Bill now submitted to the House had passed long ago that unfortunate Bishop would have been spared the dressing which he received on that occasion. The Bishops, for many years, had been inimical to whatever was considered calculated to promote the happiness and prosperity of the people. In 1831 the Reform Bill was rejected by the House of Lords, and 21 Bishops gained the majority against it. The Archbishop said it was dangerous and mischievous, and he would cheerfully bear his share of any calamity that might arise from the state of the popular feeling. If wiser counsels had not prevailed he would probably have been one of the first sufferers. Then there was a Bill introduced several times by the hon. Member for Sheffield (Mr. Hadfield) to repeal the statutes with regard to tests, declared by the late Lord Derby to be not worth the paper on which it was printed, and 21 Bishops were found voting against it. There was something mysterious in this number of 21, for when the Irish Church Suspensory Bill 1868 was sent up to the House of Lords the same number of 21 also voted against it. He thought he had shown sufficient reason why Bishops were not of much use as politicians. He would now ask whether they were of any use as a support of the Church of England. In these times of danger to her he did not find that the Bishops brought in any measure to protect or assist that Church. There were doctrines and forms and ceremonies, and processions and genuflexions, which had of late been introduced into that Church, and which were distressing to the feelings of the people, and which created amusement even among Roman Catholics, and yet no Bill had been introduced into the House of Lords to protect the Protestant interest from the attacks they allowed to be made upon it. By their silence the Bishops seemed rather to have encouraged these doctrines, and had been toying and flirting with these practices, while they did nothing whatever to put them down. There was no other profession of any kind that was represented in the House of Lords, and why should the Church alone be represented there? By far the greater number of the Peers were members of the Church of England, and they were well able to look after the interests of that Church. The Church of Scotland was not represented there, nor would the disestablished Church of Ireland be, nor were the Nonconformists, and yet the Bishops were entitled to vote on matters relating to all these denominations. Another objection to the Bishops being in the House of Lords was that, being like other men, they had their temptations and might be led astray by their desire for promotion—though it was not now to be obtained so easily as in former times—to vote against their consciences. What John Locke said of the clergy was equally applicable to the Bishops. He said—

> "In the reigns of Henry VIII., Edward VI., Mary, and Elizabeth, how easily and smoothly the clergy changed their decrees, their Articles of Faith, their forms of worship, everything according to the inclination of those Kings and Queens. Yet were those Kings and Queens of such different minds in points of religion, and enjoined thereupon such different things, that no man in his wits—I had almost said none but an Atheist—will presume to say that any sincere and upright worshipper of God could, with a safe conscience, obey their several decrees."

They had seen something of this kind in their own days, in the case of one Prelate in particular. There was a great question introduced some time ago, and the right rev. Prelate to whom he referred declared his opinion in a particular direction. Soon after there was a change of Ministry, and the right rev. Prelate, after having emphatically advocated one set of opinions, changed them with the change of Ministers. He was afterwards promoted, or, in ecclesiastical language, "translated," and he afterwards declared that he never desired promotion, but that he was under the guidance of a higher power. He begged to second the Motion of his hon. Friend, which he believed would conduce to the interests of religion and the true interests of the Church of England.

Motion made, and Question proposed,

> "That leave be given to bring in a Bill to relieve Lords Spiritual (hereafter consecrated) from attendance in Parliament."—(*Mr. Somerset Beaumont.*)

Sir WILFRID LAWSON said, he did not thoroughly approve the Bill, because, in his opinion, it ought to go further, and apply to the present Bench of Bishops. The supporters of this Motion stood in a peculiar position towards the Government on this question, for less than two years ago they went to the country with a cry of religious equality; and if it could have been foreseen then that within so short a period the right hon. Gentleman at the head of the Government would have opposed the bringing in of a Bill which was based on that principle, the ardour of his supporters would have been somewhat damped. The Chancellor of the Exchequer had said that, in future, every institution would have to show cause why it existed, and the hon. Member for Wakefield by this Motion was calling on the Bishops to show cause why they should retain their seats in the House of Lords. He submitted it did not follow that because a man was a good theologian he should also be a good legislator, and one of the organs of the Bishops, *The Churchman*, had described them thus—

> "They have a sensitive, almost nervous dread of the power of the Press, especially of *The Times* newspaper. They have the caution, not to say the timidity of old age. They have the ideas and prejudices, in many cases, of a state of things now obsolete, or of a party which has had its day. Their policy is always Fabian. They shrink from taking the lead. They are often ignorant of the law, and most especially of the law of the Church."

There was, he admitted, more reason why eminent theologians, who were selected by the Premier, should be legislators than other men who had merely an hereditary title, for in support of them there was no argument based on common sense. ["Question!"] It was hardly possible for Bishops, while engaged in their spiritual duties in their dioceses, to do their duty in the House of Lords, and Mr. C. Buller summed up the matter very well when he said that the system made them both bad Bishops and bad Peers, for they could not fulfil both functions. He regarded it as a hardship for the dioceses to be deprived of their Bishops for half the year, for everybody knew that the people who formed country society felt safer when a Bishop was among them. It was hard, too, upon Bishops to remove them from their dioceses, and put them in a gorgeous chamber, where, clad in purple and fine linen, they were called upon to attend to "the pomps and vanities of this wicked world." The demand for suffragans was another reason why Bishops should be relieved of their present duties in the House of Lords, where they (the Bishops) almost universally opposed every wise, just, and humane measure. ["No, no!"] He did not know what line the Government would take in opposing this measure; but he remembered that last time when it was before the House, both the front Benches opposed the proposition. Lord Russell had opposed this measure on the ground that it involved an essential change in the British Constitution. Lord Russell was the only man who cared two straws for the British Constitution who remained in this country. The question they ought to consider was not whether the proposal was constitutional; but whether it was right and just, and would be of benefit to the nation. Another argument of Earl Russell was that the proposal was the thin end of the wedge of disestablishment. Now, he was not sure that to remove the Bishops from the House of Lords would not impart strength to the Established Church; but even should it lead to the disestablishment of that Church, there were some hon. Gentleman who would not object to it on that ground. On a recent occasion the right hon. Gentleman at the head of the Government said that if he attempted to disestablish the Welsh Church he would find himself without artillery. He believed if the right hon. Gentleman wished to disestablish the Church he might possibly be supplied with artillery after another General Election, and he thought he (Mr. Gladstone) was the man to use the guns when he got them. Sir Robert Peel had also opposed, in strong terms, a proposition for depriving the Bishops of their seats in the House of Lords, saying "That he did not wish to deprive the Church of its fair share of political influence." On a recent occasion it was argued that politics were too degrading an occupation for women. If so, why should the most rev. and right rev. Prelates be asked to have anything to do with them? Last year one of the Bishops said that if the House of Lords passed the Irish Church Bill it would be only pretending to guide the destinies of the nation, it would be only playing with legislation, and it would make itself utterly contemptible. Well, as the House of Lords had passed that Bill he did not wish to humiliate the Bishops by leaving them in such a place. He desired to relieve them from an anomalous and painful position, to relieve their flocks from the loss of their services, and to relieve the nation from the grievous burden inflicted upon it by their well-intended, but mischievous legislation. That being his desire, he cordially supported the Motion.

**Mr. GLADSTONE**: My hon. Friend who has just sat down, has in a very good-humoured manner, impeached the consistency of the Government. He said, that if the Government opposed this Motion, he must think we were not faithful to the pledges on which we went to the country. Now, I do not myself remember that we went to the country. I think we were sent to the country. But my hon. Friend also said that, if the constituencies had understood that we would resist a Motion of this kind, the result might have been very disastrous or very inconvenient to us at the elections. Let each man speak in accordance with his experience. This I must say, that when I was engaged in an active though unsuccessful canvass in South-west Lancashire, and when in that canvass I had occasion to speak about the Irish Church, my friends said—"Take care you make it quite clear that you don't intend to attack the Church of England." Well, Sir, my hon. Friend is apprehensive that this Bill may, on the present occasion, be defeated by the union of the two front Benches. [*Laughter.*] The last few minutes have so largely increased the population of the opposite front

Bench by raising it from one to three that my hon Friend may now entertain fears of a formidable proposition for that union; but when the hon. Member spoke there was only one respected Gentleman opposite, one who is well known for his constant attendance in this House (Mr. Noel), and he alone dignified that particular portion of the House, and then it did not appear to me that the coalition apprehended by my hon. Friend could be very considerable. But with respect to the Bill which my hon. Friend proposes to introduce, he is perfectly right if he supposes that it is the intention of the Government to oppose it. And that, in fact, requires no formal declaration from me, because it is perfectly plain that if the Government were prepared to vote for such a Bill they ought not to leave it to any independent Member, however able and competent—and those who have undertaken the advocacy of the measure to-night have shown themselves to be both able and competent — they ought not, I say, to leave it to any independent Member to undertake the responsibility. They ought to bring in such a Bill on their own responsibility. But though the anticipation of my hon. Friends are perfectly correct, it is not the less my duty to state to the House the reasons why we consider that we are justified in resisting, and, in fact, are called on to resist, the Motion they have made. My hon. Friend (Mr. S. Beaumont) submitted that Motion in a peculiar form. In his speech, and that of my hon. Friend the Seconder, no notice whatever was taken of that peculiar form; but as it is not an unimportant feature of the case, perhaps I may be permitted to call attention to it. The Motion is—

> "That leave be given to bring in a Bill to relieve Lords Spiritual (hereafter consecrated) from attendance in Parliament."

My hon. Friend wishes to condemn as Peers the order of Bishops; but, while the severity of his public principles thus compels him to pass sentence on them as an order, the tenderness of his own heart and disposition leads him, on the other hand, to extend mercy to the individuals who at present, as Bishops, occupy seats in the other House of Parliament. Now let us consider the effect of this tenderness of my hon. Friend. It is creditable in the highest degree to his feelings as a man; but I am not quite so satisfied that it is consistent with his forethought as a legislator. He entirely departs from the precedent of last year. At that time Parliament had the question fully before it. We were then engaged in disestablishing a Church. My hon. Friend said that we were engaged in disestablishing a Church and State. As regards a State, we hardly contemplated anything of that kind. We were engaged in disestablishing a Church, and that naturally raised the question whether the Prelates, who, in consequence of their position in that Church, occupied seats in the House of Lords, should continue to hold those seats after that Church was disestablished. I am not ashamed to say that I should have been very glad if those Prelates could have continued to occupy those seats; but an intelligent judgment completely warranted the conclusion of Parliament, and we came to the conclusion that if the Church were to be disestablished it was not expedient to create a vested interest in its Prelates, though they had hitherto occupied seats in Parliament. Now my hon. Friends propose to create a vested interest in the 25 or 26 Bishops of the Church of England who at present hold seats in the House of Lords. It so happens that a very considerable number of those Prelates have been appointed within the last two years, and it is in the probability of life that it will take 30 or 40 years to extinguish that race. The Bill of my hon. Friend would, in distinct terms, give a new title to all those Prelates to sit in the House of Lords. If he calls upon Parliament to reconsider this question, and to pronounce that no future Bishop shall take his seat in the House of Lords, he does by that reconsider and stamp afresh the title of the present Bishops to their seats. Is he prepared to give a lease of equal length to the Established Church of England? Does he intend that for so long the Church of England shall continue to be an Established Church? It is perfectly possible that it may continue for that, and for a much longer time; but is my hon. Friend so very liberal that he would give to the Church of England, as established, a lease at any rate considerably longer than that lease which was the subject of some discussion in this House on a recent measure in reference to land? My hon. Friend's Motion, we may truly say, ought to be considered in its substance as well as in its particulars, only I think that even those who are disposed to support him will feel that this is not a convenient method of dealing with the question. I agree with my hon. Friend the hon. Member for Carlisle (Sir Wilfrid Lawson) in thinking that if you are prepared to deal with the Bishops as Peers it is unwise to give to the present Bishops a new vested interest totally unknown to the law up to this time, and which hereafter will leave some of them in the position of the last man in Campbell's ballad, partly exciting pity, and partly inspiring fear. I am bound not to limit myself to the form of the Motion, however legitimate, and I must ask what ought we to say on the general principle on which my hon. Friend proposes to proceed? He desires that we shall condemn the order of Bishops in the House of Lords. Now, that is a matter which must be considered in two points of view—with respect to the Church and also with respect to the State. My hon. Friend says there is no longer anyone who cares for the British Constitution except Lord Russell. Many of those who are members of the present Cabinet have served in the Government with Lord Russell; and I do believe, and I am ready to confess the weaknesss, that a large portion of them, to a considerable extent, are infected with that weakness which possessed that noble Lord, and that they do think it is a point material to consider, when they discuss the merits of a question, how far they are called upon to alter any material or important part of the British Constitution. Well, this venerable Constitution, as I have said, is a Constitution in Church and State; and, without in the slightest degree saying that my hon. Friend has made a proposition which he is not entitled to bring under our consideration, let me, in a strictly practical point of view, descend from the high ground I recently described of reference to the British Constitution, to the wisdom of our ancestors, and to all those elevating and ennobling considerations connected therewith—let me endeavour to take a view of the question which may, perhaps, be called by some utilitarian, but by which I might have the greatest amount of hope of access to the minds of the Mover and Seconder of this Motion, and those who are disposed to support them. Now, as respects the Church, my hon. Friend says that the Bishops are so busy in their dioceses that it is a monstrous thing to detain them in London, and also that it has been found necessary to relieve them by means of the appointment of suffragan Bishops. Well, there are 27 Bishops altogether in England and Wales, and of that number two only have obtained suffragans, so that there are 25, at any rate, who do not strengthen the argument of my hon. Friend by the allegation he has made about the appointment of suffragans. With regard to the interference of their political with their spiritual duties, it is but fair to say—although it may be open to attack from another point of view—that all those who are conversant, whether with the habits of the Bishops or with the proceedings of the House of Lords, well know that now for many years past the Prelates of the Church have ceased to reside habitually in London during the Session, and that whatever may be said of their seats in that House, it cannot be said that those seats, or the duties attaching to them, are allowed sensibly to interfere with the performance of their duties in their dioceses. They are, as a body, very rarely present in London—of course excepting the Archbishop of Canterbury, the Bishop of London, the Bishop of Winchester, and those who may in one sense be called the metropolitan Bishops, and not only so, but their occasional presence in London for purposes of union and communication is absolutely necessary for the general advantage of their dioceses. There is, therefore, no case in regard to interference with their spiritual duties. What shall I say, then? If we remove the Bishops from the House of Lords we detract, undoubtedly, in some sense, from their dignity; but far be it from me to say that is a loss such as they would be unable to endure, because not only does the influence, but the dignity also of a Bishop in these times, and more and more in the times that are to come, depend not so much on the title which may by usage be attached to his office, as on the diligence and efficiency with which he performs the high duties of his trust; and if he makes himself strong in the hearts and affections of his people, he will be able, I may say, almost to laugh at the Legislature as to any measure it may pass affecting his temporal dignity. I should not, therefore, dwell on any injury or supposed injury to be inflicted on those learned and venerable persons by the Bill of my hon. Friend. But there is another point of view in which I think he ought to consider, and in which I am quite certain many Members of this House will consider, the operations of such a Bill. Dismissing the Bishops from the House of Lords, you very greatly weaken the influence of the State over the Church. A passage was quoted, I think, by my hon. Friend, speaking of the manner in which the possession of seats in the House of Lords brings the influence of opinion to bear on Episcopal administration. If it were necessary it would not be difficult to cite cases in which Bishops have been directly called on to account for the administration of their dioceses before the House of Lords. Any aggrieved clergyman, any aggrieved layman, directly, if that layman be a Peer — indirectly and through any Member of the House of Lords if not a Peer — has always the means of calling to account for acts of injustice, acts of oppression, acts of bigotry, acts of misconduct or misjudgment, or whatever they may be, of the Bishops of this country. Do not let my hon. Friend withhold from his own view what I take to be an undeniable fact, that however he may seek in other respects to vindicate the operation of this Motion, it must be regarded as a Motion which will greatly diminish, not the influence of the State only, but the influence of the external world, the influence of society, the influence of opinion, the influence of that which is called modern civilization outside of the Episcopal sphere over the Episcopal body; and my impression is that there is no inconsiderable portion of this House, as well on this as on that side of the House, who would but very reluctantly bring about such a consummation. My hon. Friend is, of course, entitled to admit or deny, just as he pleases, that this is a Motion for the disestablishment of the Church. If it were a Motion for the disestablishment of the Church, and were avowedly such, I should argue against it on that ground. But I do not think my hon. Friend has presented it to us in that view, because he desires to reserve his judgment on that subject; and if he is desirous to establish a state of things in which we shall have a Church, national by law, but in which the Prelates of that Church are to be removed from the House of Lords, I must say there appears to me to be a great harmony between the arrangements by which they have a place as Peers in the House of Lords and the Establishment of the Church; and I greatly doubt whether Parliament will seriously and practically entertain the question presented to us by my hon. Friend until it is on the very eve of entertaining the much larger question which he does not at present think fit to present to us. But there is another question of more importance than this with reference to the immediate issue, because I admit that, as respects religious interests, this proposal, though an important one, cannot be said vitally to determine those interests one way or the other. You may weaken the Church in one way, you may strengthen it in another, by removing the Bishops from the House of Lords. A great authority, whom we speak of very freely to-night, and who is respected by everyone who knows him, though most of us may differ much from his opinion — Archdeacon Denison, one of the stoutest Tories in the country—once published a pamphlet, recommending that the Bishops should not have seats in the House of Lords; and if my hon. Friend has not read that pamphlet, I would advise him to procure it, for it is a repertory of arguments that he would find useful on this question. But weaken the Church or strengthen it as it may be, no one would suppose that the existence of the Church of England, as a religious institution, is essentially bound up with that question; while, as a national institution, I cannot too strongly or too candidly state my conviction that the influence to be exercised upon the Church—that moral control over the Church which has been ever regarded as an essential element of a national Establishment, would be seriously weakened by the adoption of the proposal of my hon. Friend. But now, as respects the State. My hon. Friend strongly urges that the State—by that mainly I mean the House of Lords—will be all the better for the removal of the Bishops from that Assembly. And certainly, the career of the Bishops, if I may so speak, has been subjected to a criticism so unsparing that I think, in his good-humoured enthusiasm, my hon. Friend who seconded the Motion almost advanced against the Bishops contradictory charges; because we were told, on the one hand, that the Bishops had been a subservient body, devoid of a spirit of independence; and, on the other hand, that they had been an obstinate, reactionary body, ever arrayed against the privileges of the people. I am not here to defend, at any rate in any sweeping manner, the Episcopal body. I have often had occasion, in the measures in which I have taken an interest—and so have all my Friends near me in the measures in which they have taken an interest—to regret that we were not so fortunate as to obtain Episcopal favour as we could have wished, and, so far, we may be said to be performing a disinterested office and function when we resist the Motion of my hon. Friend. But this I must say. It is a little hard, with historical facts in our face, to charge the Bishops historically with a want of independence. We have had reference to the 16th century. Far be it from me to defend all the Bishops of that or any other century; but as my hon. Friend says the opinions of the Bishops have varied with the opinions of the Sovereigns, I would ask—Did not the people vary with the opinions of the Sovereigns? What were the people under Henry VIII., what were they under Edward VI., what under Mary, and what, again, under Elizabeth? Why, a few Bishops or a few clergymen were almost the only persons who resisted. And what happened at the accession of Elizabeth? Every Bishop but one—Bishop Kitchen, of Llandaff—retired from his position, and even he would not take part in the coronation of the Queen. I think they were extremely wrong; but do not let us, in our eagerness to support this Motion, bring charges against the Episcopal body which are contradictory and not in keeping with the facts of history. Take, again, the time of Charles I. You may lament, and so do I, that the Bishops were so much mixed up with the politics of the day. But the whole tendency of the Reformation in the Church of England was to make the Bishops political, by the close connection which it had established between the Bishops and the Crown. Well, in Charles's time did they conform to the ruling powers? When those who made the rebellion gained the upper hand, Archbishop Laud went gallantly to the scaffold, and no man, I believe, ever behaved better upon it; and every other Bishop, without exception, took contentedly "the spoiling of his goods," and in that respect, at all events, proved himself entitled to be accounted a successor of the Apostles. What happened in the reign of James II., when the Bishops made themselves leaders of the people on behalf of liberty and law? And what happened, again, in the reign of William III., when a large number of the Bishops—perfectly wrong, I grant you, but in a spirit of independence and disinterestedness which cannot be too highly appreciated, because of the scruple they entertained as to the title of the King to the Crown—abandoned their temporal advantages and descended into obscurity if not beggary? Let us do justice in this matter. The Bishops of the Church of England may have their faults—no doubt they have, like every other body of men—but they have been eminently a body distinguished by independence and regard for character. Not only was this so in former times, but even in the latest chapter of our history it was so. It is said they are a subservient body. How does that apply to the history of the last 40 years? For 40 years, with short intervals, we have had Liberal Governments, and yet the complaint of my hon. Friend is—and I am sorry to say the complaint was too largely justified by the facts—that the Bishops appointed by those Liberal Governments have been always opposed to them. Let us give everybody their due. Now, in my opinion—and I think in the opinion of my Colleagues—the main and governing reason which, without eclipsing every other, leads us to resist this Motion is the character which in our view it bears with respect to the position of the House of Lords. It has been said that the removal of the Bishops would not weaken or injure the House of Lords. That is the issue upon which we are perfectly willing that this question should be tried. It may be that my hon. Friend—I know it not, and I do not allege it—with or without other Gentlemen in this House, aware that the House of Commons is the Chamber in which, in the main, the great work of national legislation must be conducted and the business of the country done, thinks that by means of a single instead of a double Chamber we should simplify the work of our Constitution, and more speedily and satisfactorily settle great public questions. Sir, that would be a very grave conclusion to adopt. I do not think it is the belief of the majority of this House on the one side or the other; and I am perfectly convinced it is not the belief of the country. All that has been said—and said with some truth—by my hon. Friends of the legislative tendencies of the Bishops — that they are behind the views of this House, that they more or less counteract the intentions and decisions of this House by the exercise of their co-ordinate jurisdiction—is likewise true of the House of Lords as a body. Not of all Members of the House of Lords. I am happy to think how large a portion of that Assembly, especially if from it we separate the elective Peers, stand in near correspondence with the tendencies of the people as usually represented in this House. But, speaking of the House of Lords as a body, I think my hon. Friend will not challenge my proposition when I say that the House of Lords is in general in harmony with the political leanings of the Episcopal Bench; and, consequently, it is a very grave and serious matter for us to consider whether, in the subject proposed to us by my hon. Friend, we do not discern the features of a larger question. I will not attempt to overrule, by urging my own opinion, the opinion of any other man in this House, who may consider that there ought to be but a single Legislative Chamber; but this I will say with confidence—and for the acceptance of this proposition I will appeal to my hon. Friend himself—if there is to be a House of Lords in this country, as there ever has been, it is well that that House of Lords should be as strong as possible. Now, will my hon. Friend say—because I confess the Government, at any rate, do not think so—that the removal of the Bishops from that House would tend to strengthen that body? Let us endeavour to try that question for a few moments. What is the strength, and what the weakness of the House of Lords? The House of Lords is strong in its traditions; but it has lived into times when it must depend not upon traditions alone, but mainly on the essential elements of character, ability, intelligence, weight, moral influence which it possesses, if it is to take any efficient share in conducting the legislation of this country. The House of Lords, as a hereditary Assembly, has this disadvantage, that it must necessarily, at all times, have to bear the burden and the shame of the misconduct of its unworthy Members; and those numerous Members of that Assembly, who set a pattern to society and to every class by the faithful discharge of their duty, in addition to their other responsibilities have to make up for the defects or vices of those who, belonging to that body, are unworthy of their station. Well, it is desirable that in that Assembly we should see collected all the elements of strength; and, among those elements, I know none so important as diversity. The greatest weakness of the House of Lords is the difficulty of supplying it with sufficient diversity. No man can look at the House of Lords, as the twin sister of the House of Commons in conducting the business of the country, without seeing that, if it has a special fault, it is the fault of too much tending to represent one particular class—not only the particular class connected with property, because this is a class so large and diversified that the application of the word is scarcely legitimate; but one of its dangers is this—that from its nature it tends too exclusively to represent the interests, and even possibly the prejudices, connected with the possession of land. It is to be hoped that it will use —as I trust and believe it will—a great opportunity which is presented to it of showing that it has emancipated itself from these prejudices. But that tendency I affirm to be one of the main difficulties of constituting and maintaining an efficient House of Lords. Now, in that view, I ask, is it not most important that those other elements which belong to the composition of the House of Lords—those elements which represent the professions, which bring within the walls of that Chamber other elements of power than that of inherited traditional power, should be maintained in vigour? It is well that from time to time distinguished commanders, it is well that habitually the chiefs of the law and the men who have most attained to eminence in that profession, should be found upon the Benches of the House of Lords. But you cannot very well, in a hereditary House of Lords, afford to part with the elements of weight and power which, I am not ashamed to say, that Chamber derives from the presence of the Bishops. Is it nothing to this country, and this age, that there should be an abundance of men qualified to keep the discussions of the House of Lords fully upon a level with the debates in this House; and what candid men sitting on these Benches will doubt, or hesitate for a moment to admit, that during many years—during all the years that the present age remembers—the Bench of Bishops has contributed to the intellectual force of discussions in the House of Lords in a proportion infinitely transcending the numbers by which that body is represented there? To say that the Bishops represent the democratic element in the House of Lords is something to which I am not prepared to assent; at the same time, it is true that, to some extent, they represent the popular element in that Assembly. Survey the Bench of Bishops, and you will hardly find a man upon it who has not been put there on account of his merits; and you will find but a moderate proportion of those men who have not raised themselves from stations comparatively humble. Granting fully to my hon. Friend the independence of the Bishops as an order—which in one sense I think highly inconvenient to us—and admitting that we do not get from them as much support and sympathy as I should like, yet I must say that the very fact of such a number of men being there by means so unexceptional—by their merits, by their character, by their services, not by subserviency, not by base compliance—does constitute in no ignoble sense the presence of a popular element in the House of Lords. It is an element which, at any rate, comes from the deep and broad strata of the community, and which contributes vigour to that Assembly, as everything contributes vigour which tends to keep it occasionally in contact with its mother earth. It is a great change that my hon. Friend proposes in the Constitution. I do not think the House of Lords is too strong at the present moment, though I might wish—and I frankly own that I do wish—that upon certain occasions it used its strength in a manner somewhat different. But if we sometimes have occasion to lament the direction of that strength, I do not think that its quantity is too great. I doubt whether even my hon. Friend will say it is too great if the functions of a Second Chamber are to be well and adequately performed. If that strength be not at the present moment excessive, I am satisfied it is the conviction of the great mass of the House that we cannot afford to weaken it, and also that it would be weakened if the plan of my hon. Friend were adopted Now, Sir, I hope that in dealing with my hon. Friend's Motion I have not offensively ascribed to him anything of which, as a legislator, a patriot, or a Member of Parliament, he has any occasion to be ashamed. This, as has been already said, is not a new question. For years after the first Reform Bill this question was accustomed to be brought up and formed a standing subject of discussion, and many is the vote I have given upon it. But it is fair to observe that after a considerable period all such discussion, often animated enough and often with minorities not inconsiderable, formed to support proposals for removing the Bishops from the House of Lords, yet has the movement, as by a spontaneous process, died away. I will not presume to say that that will again take place. We have now passed again through another critical period in the history of the Constitution; another great impulse has been given to popular feeling and opinion by a profound change in the constitution of this House, and the elements from which it is derived. It may be that my hon. Friend is now the harbinger of a movement which may grow and grow until it reaches the consummation he desires. I cannot penetrate the veil of the future sufficiently to say whether it will be so or not. But if the wishes of my hon. Friend the Member for Sheffield (Mr. Hadfield) are to determine it then we know what that consummation is. [Mr. HADFIELD: Hear, hear!] But it may also be that this agitation, as in the years that followed the Reform Act of 1832, in which there was a desire for the removal of the Bishops from the House of Lords vividly expressed, will decline from year to year. I so far agree with my hon. Friend that I think that which would most contribute to check the movement would be—and I do not abandon the hope of seeing it—that more and more, from year to year, without any forfeiture of its independence, we may see the Episcopal body coming into closer harmony with the general sentiments of the country. I will not abandon the hope—I will not say that I look forward to a great change; but to what is much better than a violent change—a steady, quiet, constant progress, always in the right direction. And if my hon. Friend shall be finally disappointed in his views, and shall find that in spite of his energies there is not wind enough to fill his sails after the attempt of to-night, or after attempts that may follow during the next few years, I am sure it will be a consolation to him if he finds that his supporters are becoming less anxious for his measure, because they see a constant growing sympathy between the persons who fill the Episcopal office and the general convictions of the people of England.

MR. SOMERSET BEAUMONT, in reply, said, that the Prime Minister told them that if the Government had had any intention of supporting this Motion they would not have left it to an independent Member; but, even in his experience, he could remember many questions brought forward by independent Members which were used — to adopt the phrase of the Prime Minister — to fill the sails of the Treasury Bench, and which it had been found expedient to adopt. The right hon. Gentleman said the Motion, if adopted, would stamp with fresh authority the present Bishops. He admired, as much as anybody, the impulsive and eager spirit of his right hon. Friend, and if it was his wish to bring in a Bill which would apply to the present Bishops, he (Mr. Somerset Beaumont) would have no objection. They had been told that the Bishops were valuable in the House of Lords, because it brought public opinion to bear on them. But it seemed to him that the Bishops did not take warning by the pressure. He had said nothing about the part the Bishops played in the 16th century—the only question he put was, whether it was in harmony with the altered circumstances of the country that the Church of England should remain thus privileged? When he was returned to that House to support the Prime Minister he did not promise him his support, nor could he now, without also remembering the right hon. Member for Birmingham (Mr. Bright), and he would like to remind the Prime Minister of language, which he hesitated to repeat in the House, in which Mr. Bright condemned the presence of Bishops in the House of Lords "that creature of a monstrous and adultrous birth." He, in common with many Members of the House, had had frequent reasons to regret the absence of this distinguished Leader. He regretted it as much this week as at any other time, and he would now content himself with leaving the matter to the judgment of the House.

Question put.

The House *divided*:—Ayes 102; Noes 158: Majority 56.

### AYES.

Allen, W. S.
Anderson, G.
Armitstead, G.
Aytoun, R. S.
Backhouse, E.
Bass, M. T.
Beaumont, Capt. F.
Beaumont, H. F.
Bright, J. (Manchester)
Brinckman, Captain
Brogden, A.
Brown, A. H.
Callan, P.
Campbell, H.
Candlish, J.
Carter, Mr. Alderman
Chadwick, D.
Cholmeley, Captain
Clay, J.
Cowen, J.
Dalglish, R.
Davies, R.
Davison, J. R.
Dent, J. D.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Edwardes, hon. Col. W.
Edwards, H.
Ellice, E.
Erskine, Admiral J. E.
Ewing, H. E. C.
Fawcett, H.
Finnie, W.
Fletcher, I.
Fordyce, W. D.
Fothergill, R.
Fowler, W.
Gilpin, C.
Graham, W.
Grieve, J. J.
Herbert, hon. A. E. W.
Holland, S.
Holms, J.
Horsman, right hon. E.
Howard, hon. C. W. G.
Hurst, R. H.
Illingworth, A.
Jardine, R.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lush, Dr.
M'Clean, J. R.
M'Clure, T.
Macfie, R. A.
M'Laren, D.
Melly, G.
Miall, E.
Miller, J.
Morgan, G. O.
Morley, S.
Mundella, A. J.
Muntz, P. H.
Nicol, J. D.
Norwood, C. M.
Parry, L. Jones-
Pease, J. W.
Philips, R. N.
Platt, J.
Plimsoll, S.
Potter, E.
Rathbone, W.
Reed, C.
Richard, H.
Richards, E. M.
Roden, W. S.
Russell, H.
Rylands, P.
Samuelson, H. B.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Shaw, R.
Sherriff, A. C.
Smith, E.
Stevenson, J. C.
Taylor, P. A.
Tollemache, hon. F. J.
Vivian, H. H.
Wedderburn, Sir D.
West, H. W.
Whalley, G. H.
White, J.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Young, A. W.

### TELLERS.

Beaumont, S. A.
Hadfield, G.

NOES.

Adderley, rt. hn. Sir C. B.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Anson, hon. A. H. A.
Antrobus, Sir E.
Arkwright, A. P.
Bagge, Sir W.
Baker, R. B. W.
Baring, T.
Barnett, H.
Beach, W. W. B.
Birley, H.
Bouverie, rt. hon. E. P.
Brewer, Dr.
Brise, Colonel R.
Bristowe, S. B.
Broadley, W. H. H.
Brodrick, hon. W.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Buckley, Sir E.
Buxton, C.
Cadogan, hon. F. W.
Cameron, D.
Cardwell, right hon. E.
Cartwright, F.
Cavendish, Lord F. C.
Chambers, M.
Clive, Colonel E.
Collins, T.
Colthurst, Sir G. C.
Corbett, Colonel
Cross, R. A.
Cubitt, G.
Dalrymple, C.
Dalway, M. R.
Damer, Capt. Dawson-
Dickinson, S. S.
Dimsdale, R.
Dowse, R.
Duff, M. E. G.
Dyke, W. H.
Eaton, H. W.
Enfield, Viscount
Ewing, A. O.
Feilden, H. M.
Fellowes, E.
Figgins, J.
Finch, G. H.
Floyer, J.
Forster, rt. hon. W. E.
Fowler, R. N.
Galway, Viscount
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldney, G.
Gordon, E. S.
Gore, J. R. O.
Goschen, rt. hon. G. J.
Grant, Colonel hon. J.
Graves, S. R.
Gray, Lieut.-Colonel
Greene, E.
Gregory, G. B.
Greville - Nugent, hon. G. F.
Grey, right hon. Sir G.
Grosvenor, hon. N.
Grosvenor, Lord R.
Guest, A. E.
Gurney, right hon. R.
Hambro, C.
Hamilton, I. T.
Hardy, J.
Hartington, Marquess of
Headlam, rt. hon. T. E.
Hermon, E.
Hervey, Lord A. H. C.
Hesketh, Sir T. G.
Heygate, W. U.
Hildyard, T. B. T.
Hodgson, W. N.
Hutton, J.
Jackson, R. W.
Johnston, W.
Kavanagh, A. MacM.
Kay-Shuttleworth, U. J.
Kennaway, J. H.
Keown, W.
Kingscote, Colonel
Kirk, W.
Knatchbull - Hugessen, E. H.
Lacon, Sir E. H. K.
Lambert, N. G.
Lancaster, J.
Laslett, W.
Lefevre, G. J. S.
Legh, W. J.
Lindsay, hon. Colonel C.
Lindsay, Colonel R. L.
Lopes, Sir M.
Lowther, J.
Lowther, W.
Lubbock, Sir J.
Mackintosh, E. W.
Magniac, C.
Mahon, Viscount
Maitland, Sir A. C. R. G.
Martin, P. W.
Matthews, H.
Maxwell, W. H.
Milles, hon. G. W.
Milton, Viscount
Monk, C. J.
Monsell, rt. hon. W.
Montgomery, Sir G. G.
Newdegate, C. N.
Newport, Viscount
Nicholson, W.
Noel, hon. G. J.
North, Colonel
Otway, A. J.
Parker, C. S.
Parker, Lt.-Colonel W.
Peek, H. W.
Peel, A. W.
Pemberton, E. L.
Phipps, C. P.
Pollard-Urquhart, W.
Powell, W.
Robertson, D.
Samuda, J. D'A.
Sandon, Viscount
Scott, Lord H. J. M. D.
Selwin - Ibbetson, Sir H. J.
Smith, A.
Smith, F. C.
Smith, R.
Smith, W. H.
Stapleton, J.
Starkie, J. P. C.
Stronge, Sir J. M.
Talbot, J. G.
Thynne, Lord H. F.
Tracy, hon. C. R. D Hanbury-
Turner, C.
Verner, E. W.
Vivian, Capt. hn. J. C. W.
Walker, Major G. G.
Walpole, hon. F.
Walsh, hon. A.
Wethered, T. O.
Wheelhouse, W. S. J.
Wilmot, H.
Winn, R.
Wynn, C. W. W.
Young, G.

TELLERS.

Glyn, hon. G. G.
Greville, Captain

## PARLIAMENT—SITTINGS OF THE HOUSE.—RESOLUTION.

MR. GILPIN, in rising to call attention to the unusually late Sittings of the House during the present Session, and to the necessity of imposing some check upon proceeding with Opposed Business after 12 o'clock, said, it was a subject really interesting to them all, and in which great issues were involved. He believed, when they came to think of it, the length of time the House had sat after midnight during the present Session would surprise even those who were most regular in their attendance. The Motion with which he should conclude was this—

> "That it is undesirable, for the efficient discharge of Public Business, that Opposed Business should be brought on after Twelve o'clock at night."

He limited himself to Opposed Business. He did not propose to say, as on Wednesday, whenever the hand of the clock was at a certain figure, discussion should necessarily stop or a Division be prevented being taken; but he did say it was incompatible with their health and strength that they should be called on to discuss disputed Bills, and to transact business after the small hours of the morning. In March, 1867, the House sat 10 hours 45 minutes after midnight; in April of the same year the House sat 10 hours 45 minutes after midnight; and in May 19 hours 15 minutes. In March, 1868, the House sat 10 hours and a quarter; in April 9 hours and three quarters; and in May 16 hours. In March, 1869, they sat 12 hours and 45 minutes after midnight; in April, 20 hours 45 minutes; and in May, 12 hours; while in March of the present year they sat 17 hours; in April, 17 hours 15 minutes after midnight; and in May, 1870, 32 hours and 30 minutes. In the three months of 1867 the House sat 40 hours

45 minutes after midnight; in 1868, 36 hours after midnight; in 1869, 45 hours 30 minutes after midnight; and in 1870, during the same three months, the House sat 66 hours 45 minutes after midnight. He asked them to consider within their own knowledge what had been the effect of these late sittings on the health of public men. The absence of one right hon. Gentleman (Mr. Bright) had been alluded to that evening; and the cause of that absence was in no small degree attributable to the late hours of the House. Another right hon. Gentleman (Mr. Childers) was absent from the Treasury Bench through illness, brought on, he believed, in the same way. On May 2-3 the House sat till 2 o'clock; on the 3rd till 1; on the 5th-6th till 2; on the 6th-7th two hours after midnight; on the 9th-10th two hours after midnight; on the 10th, till 1 45; on the 12th-13th, till 2 o'clock; on the 13th-14th, till 1 45; on the 16th-17th, till 1 45; on the 20th-21st, till 3; on the 23rd-24th, till 1 15; on the 24th-25th, till 2; on the 26th-27th, till a quarter to 2; on the 27th-28th, till 2 o'clock; on the 30th-31st, till 2 45, meeting again at 12; and on the 31st, the House sat till 1 15. They all owed a deep debt of gratitude to the right hon. Gentleman who generally presided over their deliberations—the first Commoner in England, and they ought not to put a pressure upon his health, his time, and his energies, which, in his (Mr. Gilpin's) opinion, was wholly unnecessary and, therefore, wholly unjustifiable. In addition to the right hon. Gentleman, there were the clerks at the Table and the Sergeant-at-Arms and Deputy, whose attendance at this time of the Session was frequently required both morning and night. He had intended to call the attention of the House to several suggested modes of economizing time; but if what he had said did not recommend itself to the judgment of hon. Members, he could not suggest anything that was likely to enforce that for which he argued. As a rule, the business that was done after 12 o'clock or 1 o'clock in the morning was badly done, and he could say from personal experience that attendance at those late hours was very detrimental to health; for, having been 14 years in the House, he could not now remain until the small hours of the morning, or, if need be, "go home with the milk in the morning," in order that some hon. Members might divide over and over again as they did on Saturday. Looking back over the Divisions which had been taken after midnight he found that, as a rule, only 60 or 70 Members were then present, and that number, he contended, was not sufficient to despatch the public business of a country which returned 650 representatives. He put this matter to the right hon. Gentleman at the head of the Government, who had it in his power to do much, for the Government were to some extent responsible for the extreme pressure caused by too much being put within the compass of a comparatively short time. Having sat some years upon the Treasury Bench he knew what it was to come there to "make a House and to cheer the Minister." He asked the right hon. Gentleman to consent to accept this Motion so far as he possibly could in order to bring about such a state of affairs as would enable hon. Members to transact Public Business at a right time, and in a proper way, having due regard to the health of those who guided the destinies of this country, and who were not returned to Parliament to lose their lives by premature decay. The hon. Gentleman concluded by moving his Resolution.

Mr. M. CHAMBERS said, he ventured to second the Motion as one who had sat in the House formerly, who saw what was going on, and who had heard their proceedings after midnight and during the early hours of the morning severely censured and even stigmatized as a disgrace to the country. He could not help concurring in that observation. It was, in his opinion, most improper and embarrassing to see so many Motions and Orders of the Day placed on the Paper for consideration on any one day or night. Private Members who were opposed to any of them were unable to ascertain whether or when such questions would be brought on. That sort of contrivance had been frequently resorted to, in order to pass a measure in a thin or exhausted House, so that when both the public and absent Members rose next morning they were astonished to hear what had occurred. The real question was, whether the House should sit from 4 o'clock in the afternoon until any time the following morning, in order to meet the caprice, the fancy, or the disposition, or encourage the efforts of official or private Members, who might be desirous of slipping a Bill through the House of Commons, to its reproach and discredit, for it too frequently happened that hon. Members were obliged to confess to their constituents—who were criticizing their proceedings—that they did not know what measures had thus been sanctioned. In the time of Lord Palmerston or other Prime Ministers it was generally understood that, as a rule, no Opposed Business should be brought on after 12 o'clock. Mr. Brotherton was the first Gentleman who suggested that arrangement, and although he was laughed at at the outset, he was ultimately treated with that respect which he deserved. He could recollect when it was the general rule of the able and leading men to accept invitations to dinner only on the two leisure evenings—Wednesdays and Saturdays. ["Divide!"] It was, no doubt, unpalatable to modern Members of Parliament to hear those truths, because the course now adopted was to accept an invitation to dinner for any day; and, consequently, common courtesy did not allow them to leave the dinner table before 10 and 11 o'clock, and the remark had been rather disrespectfully made, that many who arrived at those late hours appeared to have come down to the House simply "to make a night of it," and for this working Members of the House had to suffer. He asked the House to look through the names of the last Parliament and this, and to see how many estimable and able men had died or become unable to continue the work. Patriotic representatives had been heard to declare that rather than neglect their duties, or desert their post, they would perish on the floor of the House; but those heroic days had passed.

Motion made, and Question proposed,

"That it is undesirable, for the efficient discharge of Public Business, that Opposed Business should be brought on after Twelve o'clock at night."—(*Mr. Gilpin.*)

Mr. COLLINS proposed, as an Amendment, that no Opposed Business should be taken after 1 o'clock; and his reason for moving the Amendment was, that discussions on great questions were adjourned at 12 o'clock; and after then a number of unopposed Motions might be rattled off in an hour, and business be thereby advanced a stage without detriment to hon. Members' health.

Amendment proposed, to leave out the word "Twelve" and insert the word "One,"—(*Mr. Collins,*)—instead thereof.

Mr. NEWDEGATE pointed out that one great inconvenience of protracting the debates to a very late hour was that the newspapers were necessarily unable to give full reports of the proceedings. He wished to repeat the suggestion he made to the Prime Minister a day or two ago, that when it was intended to have a Morning Sitting, from 2 o'clock till 7, notice thereof should be given at half-past 4 on the previous afternoon. Members would then be able to post their letters and make arrangements for the following day.

Mr. BOUVERIE said, he thought it would be imprudent for the House to pass a positive Resolution on this subject, for by doing so the House might impede business instead of facilitating it. Such a Resolution would be an instrument of delay in the hands of Members who wished to arrest the progress of a measure. The real source of the difficulty which was so universally felt was the enormous pressure of Public Business. Indeed, he believed there was no Representative Assembly in the world which got through so large an amount of work as the House of Commons. Hon. Members, it was true, occasionally grumbled at the inconvenient pressure of business; but they were incessantly urging the Government to introduce measures on various subjects. As a partial remedy for a difficulty which was to a certain extent unavoidable, he would recommend the appointment of a Committee to consider whether the business could not be in some way divided, and in particular, he would suggest the advantage of an arrangement similar to that adopted in the French Legislative Chamber for referring certain Bills to sectional committees, instead of requiring them to be dealt with in detail by a Committee of the Whole House. To prohibit business during the small hours would practically be tantamount to stopping the greater part of the business altogether. The House of Commons had two separate functions. The early part of the night was devoted to debating subjects of the vastest importance; but the great bulk of the business was transacted at a later hour, when a large number of Members who took an interest only in subjects of paramount importance had retired. He would here remark that a House consisting of 650 Members would be a most unmanageable body for discussing the details of ordinary business, which could be far better considered by a House of 100 or 150 Members. The amount of work got through in the course of a Session by a limited number of Members during the small hours of the morning was really surprising, and though it might sometimes appear to be hurried through in a higgledy-piggledy fashion it was, on the whole, performed with marvellous skill and accuracy. This was due, in great part, to the attention and laborious industry of the officers of the House—not only the gentlemen who sat at the Table, but also those employed in the offices outside, who took care that no great mistakes were made. All these matters might well be considered by a Select Committee; but he entreated the House not to tie their hands by passing a Resolution which might be productive of great inconvenience.

SIR HENRY SELWIN-IBBETSON, as one of the private Members who on more than one occasion had met with great indulgence at the hands of the House, regarded with some concern a proposal which, if carried out, would destroy their power of taking a share in the legislation of the country. If an hour were fixed for stopping the further progress of business, a faction might resort to the practice of talking out any measure they disapproved.

MR. M. T. BASS said, he thought the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) was perfectly justified in saying that the House could not abandon its present mode of proceeding without considerable inconvenience. The best mitigation of the evil with which they had to deal was to be found in the exercise of good sense and forbearance on the part of hon. Members. Protracted sittings to late hours were, no doubt, deleterious to the health of hon. Members, and injurious to the efficient discharge of the Public Business, and he believed more business was scamped in the early hours of the morning than was at all creditable to the reputation of the House of Commons. The House would, however, in his opinion, exercise a wise discretion if they were to leave the matter in the hands of Her Majesty's Government.

MR. GLADSTONE said, he was sorry to say that he was more sensible of the difficulties of the question than acquainted with any mode of solving them which would bear the test of rigid inquiry. It was only by the exercise of forbearance that he thought any satisfactory understanding or course of action could be arrived at. There was, in his opinion, much weight in what had fallen from his right hon. Friend the Member for Kilmarnock, and the blame lay not with any Member or any class of Members that the House had frequently to sit so late, but was rather attributable to the mass of business which had to be discharged. Of course, portions of the time of the House were often occupied unnecessarily, and he himself was, perhaps, one of the greatest offenders in that respect; but freedom of speech was a thing which the House very jealously cherished. It was, however, desirable, if possible, to impose some check on late sittings; but there would be great inconvenience in passing a Resolution with that object. Even had the Resolution of his hon. Friend been worded more stringently, to the effect that no business should be proceeded with after a certain hour, the first thing the House might do on the very night after its passing, might be to break through it. If, on the other hand, a Resolution, not absolutely binding in its terms by being converted into a Standing Order, were agreed to, it would amount to nothing more than a mere understanding. That being so, he thought hon. Members would be disposed to come to the conclusion that such an understanding was the best mode of dealing with the difficulty to which it could have recourse. In contributing towards carrying out that view he would, so far as the Government was concerned, be prepared to suggest that Opposed Business should not be proceeded with after half-past 12 o'clock, except under special circumstances. A little difference ought, however, he thought, to be made in the case of private Members. They ought to have a little more latitude, and they might very fairly be allowed to exercise the privilege of proceeding with their business up to 1 o'clock. Such a proposal would, he believed, meet, in the view of the highest authority in the House, the reason and justice of the case. In reply to the hon. Member for North Warwickshire (Mr. Newdegate), he might observe that he looked upon his suggestion, that notice should be given of the meetings at 2 o'clock, as necessary when these meetings were only occasional, and not regular, as at present, for the discussion of the Education Bill. Should there be an intermission and renewal of those sittings during the present Session, he should take care that notice should be given.

MR. ASSHETON CROSS suggested that when the month of June arrived in each Session, the Bills of private Members which had received a second reading, and might have been referred to a Select Committee, should be taken before the Notices of Motion on Tuesdays, so that they might go up in good time to the House of Lords.

MR. GREENE pointed out that the difficulties of the case might be met if hon. Members would only make short speeches. For his own part, he never made a long speech. It would be well, too, he contended, if the Government would use their influence to stop over-legislation, for as things went on at present it would seem as if nothing which existed was right. There should, in his opinion, be more real and less sham legislation. As to the late hours to which the House sat, he would only say that his own habits when at home led him to go to bed at 10 o'clock every night. Owing, however, to the different system which he was obliged to adopt during the Session, it was only from the 1st of August to the middle of February he got the amount of sleep which he required. It was all very well for single men like the hon. Member for Boston (Mr. Collins) not to care about staying up late because they had no attractions at home; but he was entirely opposed to the system, and he therefore hoped his hon. Friend would press his Motion.

MAJOR WALKER said, he was afraid hon. Members must make up their minds to have either long sittings or a long Session. He was for working hard in order to shorten the Session; and, therefore, he should oppose both the Motion and the Amendment.

MR. GILPIN said, he wished to get a further declaration from the Government that they would use the considerable influence they possessed to induce private Members not to bring forward Opposed Business after 1 o'clock. [*Cries of* "12."] He would say 1 o'clock, rather than not carry his Motion. The right hon. Member for Kilmarnock (Mr. Bouverie) had hardly dealt fairly with him, for he never proposed that an important discussion should be cut short; but what he proposed was that new and Opposed Business should not be brought forward. Unless he could have a fuller declaration from the Government he would divide the House. He had designedly put the Resolution in such a shape that it might become the duty of the Government to form a Resolution upon it, and he did not mean to bind their hands beyond a certain point. He regretted the absence of three of the leading Members of the Opposition, who had expressed to him very strong opinions on the subject. With the leave of the House he would adopt the Amendment and say 1 o'clock. ["No, no!"] Well, as his supporters were disposed to try to get 12 o'clock, he would abide by his first proposal.

MR. KINNAIRD said, he did not think, as Mr. Brotherton's efforts to close debates at 12 o'clock never succeeded, that such a proposal was likely to succeed now. After what had been said on the part of the Government he must vote against the Motion.

Question put, "That the word 'Twelve' stand part of the Question."

The House *divided*:—Ayes 83; Noes 104: Majority 21.

On Question, "That the word 'One' stand part of the Motion,"

MR. GOLDNEY objected to drawing a hard and fast line on this question, which would only end, as often on a Wednesday evening, by having a measure talked out.

MR. R. N. FOWLER said, that as one of the Tellers in the last Division he would also object to a hard and fast line.

MR. COLLINS objected that there was no analogy between his Motion and that of a Wednesday evening, for it was now proposed, not to stop a discussion at once, but not to take up a new subject after that hour.

MR. RATHBONE reminded the hon. Member that it was quite possible to talk out a measure by keeping up a discussion on the previous subject.

MR. GLADSTONE said, he had suggested that the time should be half-past 12 o'clock, after which no opposed Government Business should be commenced, and now the hon. Member kindly proposed to make the Government a present of an additional half-hour; but he could not support the proposition, as he felt the inconvenience of the House binding itself by a Resolution on the subject.

MR. BOUVERIE said, he thought the House ought to be satisfied with the promise of the right hon. Gentleman not to take opposed Government Business after half-past 12 o'clock, except in a case of great urgency.

Question put, "That the word 'One' be there inserted."

The House *divided:*—Ayes 76; Noes 94: Majority 18.

THE DEPUTY - SPEAKER (Mr. DODSON) then called attention to the fact that the House had struck the word "twelve" out of the Resolution, and now refused to insert the word "one" for the purpose of filling up the blank. The Motion had, consequently, become a mutilated Motion.

Original Question, as amended, proposed.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."—(*Viscount Galway.*)

MR. GILPIN said, he thought that in the present state of the question the most proper thing for him to do was to withdraw the Motion.

Motion and Original Question, by leave, *withdrawn.*

### MUNICIPAL FRANCHISE (IRELAND) BILL.

On Motion of Mr. WILLIAM JOHNSTON, Bill to alter and amend the Law relating to the Municipal Franchise in Ireland, *ordered* to be brought in by Mr. WILLIAM JOHNSTON and Mr. M'CLURE.

Bill *presented,* and read the first time. [Bill 176.]

### MAGISTRATES, &C. ELECTION (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to amend the Laws for the Election of the Magistrates and Councillors of Royal and Parliamentary Burghs in Scotland, *ordered* to be brought in by The LORD ADVOCATE and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 177.]

House adjourned at half after One o'clock.

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## HOUSE OF COMMONS,

*Wednesday, 22nd June,* 1870.

MINUTES.] — PUBLIC BILLS — *Resolution in Committee*—Mortgages (No. 2) [Stamp Duty] *.

*Second Reading*—Medical Officers Superannuation [70]; Capital Sentences (Court of Appeal) [85], *put off;* Brokers (City of London) [71], *debate adjourned;* Settled Estates [110], *debate adjourned;* Lodgers' Goods Protection * [96]; Joint Stock Companies' Arrangement * [143].

*Committee*—Mortgages (No. 2) * [52]—R.P.

*Third Reading*—Public Health (Scotland) Supplemental * [136], and *passed.*

### KENSINGTON ROAD IMPROVEMENT BILL.—QUESTION.

VISCOUNT MILTON said, he wished to ask the First Commissioner of Works, If he intends to bring forward his Motion for a Select Committee on the Kensington Road Improvement Bill during the present Session; and, if he does so intend, if he will inform the House on what day he intends to bring the Motion before the House?

MR. AYRTON said, in reply, that he was anxious to give a very full reply to the Question put to him by the noble Lord. This Bill was not an ordinary public measure for objects affecting the whole community, but it was one of a special character, and had been introduced into the House by Her Majesty's Government for the purpose of fulfilling a pledge which had been given to a large body of the community who were desirous of erecting a tribute to the memory of the late Prince Consort, whom the nation had for a long time delighted to honour. The pledge was, in effect, given by the late Lord Derby and other distinguished individuals, Members of the Committee appointed to carry out the wishes of that part of the community to whom he had referred in relation to this subject. That Committee advised Her Majesty that this memorial should be erected on the site then chosen for it, on the understanding that the public road in the neighbourhood of that site should be brought into due relation with the memorial. The First Commissioner of Works of that day, the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple) — Lord Palmerston being Prime Minister at the time — advised Her Majesty that the memorial should be proceeded with on that understanding. Unfortunately, however, instead of immediately giving effect to that understanding by passing the Bill then in contemplation for the improvement of the adjoining road, they allowed that which was the proper opportunity to pass away. When the noble Lord the Member for North Leicestershire (Lord John Manners) was First Commissioner of Works, under the Government of Lord Derby, he naturally felt it to be his duty to give effect to that understanding that had been arrived at, and he accordingly prepared a plan upon the subject, which he submitted to the two local Boards in the neighbourhood of the district in question, both of whom passed resolutions approving that plan. The noble Lord, however, left Office without being able to complete the transaction. When he (Mr. Ayrton) assumed Office it became his duty to look into the matter, and he found the noble Lord's plan lying there uncompleted. He felt then that he had no alternative but to submit that measure to the consideration of the House. The course which he adopted in the matter was the usual one, and no step was taken by the Government which could have in any way prejudiced the rights of any person who might have wished to have them investigated. No Papers were circulated; but the House approved what had been done by a majority of 3 to 1, and unanimously agreed to refer the Bill to a Select Committee for investigation. After all this had been done a Motion was made suddenly and without notice, at 2 o'clock in the morning, that the Order to refer the Bill to a Select Committee should be discharged; and by a small majority that Motion was carried, it appearing that the hon. Members opposite had come—curiously perhaps—to a determination to discard the opinions and pledges of Lord Derby and of their own Commissioner of Works — a proceeding which, of course, it was impossible for him to have anticipated. By so doing they had placed the House in a position of great embarrassment; because, if Her Majesty's Government were to regard the course taken by the Conservative party under the conduct of the hon. Member for Chelsea (Sir Henry Hoare) as a direction to be carried into effect, they would have to invite the House to go into Committee of the Whole House at perhaps 12 o'clock in the day, and to sit and take evidence on the Bill, and to hear the views of the parties expounded probably by the forensic rhetoric of the learned counsel whom they might employ. That would be the natural consequence of the course taken by the Conservative party; but Her Majesty's Government could not, of course, ask the House to take so ridiculous a step. The only other course open to the Government would be to ask the House to reverse what had been so inconsiderately done at 2 o'clock in the morning; but in the present state of Public Business it was not easy for the Government to find time to embark upon such questions—and, besides, it would not be becoming in them to attempt to force this Bill through the House as a party measure, the Government thinking that if it were to pass at all it should, after the pledges which had been given, be passed by an overwhelming majority. There was the less necessity for embarking in such a contest from the statements made in respect to the Bill. He felt satisfied that when that beautiful and remarkable work was completed, so that the public could see and understand its architectural features in conjunction with the other works in the neighbourhood, they would be the best judges of what was required to be done, and hon. Members would have an opportunity of satisfying themselves as to the necessity of passing this Bill. He admitted the desirability of everything being completed before next season, when that part of Kensington would be the general resort of the public who might visit the Exhibition; and he had wished to do his duty by taking care that all the works in that neighbourhood should be brought into harmonious relation with the memorial before that time. That being the present state of things the Government thought they should be best discharging their duty by not forcing this Bill on, but by bringing it forward at a future time, when hon. Members would have had ample time to consider what was best to be done in reference to the great work which had been erected as a tribute of respect to the memory of the late Prince Consort. Under these circumstances, he should, when the proper time arrived, withdraw the Bill.

## MEDICAL OFFICERS SUPERANNUATION BILL—[BILL 70.]

(*Mr. Brady, Sir Henry Hoare, Mr. Brodrick Mr. Clay.*)

### SECOND READING.

Order for Second Reading read.

DR. BRADY, in moving that the Bill be now read a second time, said, that the object which the measure had in view was not merely to do a slight act of justice to medical officers of the poor, by entitling them to superannuation after the age of 60, but indirectly to confer a substantial benefit on the poor themselves, and to relieve the local taxation of this country. The sanitary condition of the country was in a most deplorable state, and it cried aloud for alteration and improvement. The amount of preventible disease which stalked abroad in the rural districts, as well as in the cities and towns, was really alarming, and some means should be found to put an end to such a state of things. He found, from Reports which had been laid upon the Table of that House, that there were about 1,000,000 cases of preventible illness occurring annually in the United Kingdom, and no less than 111,318 deaths resulting from preventible diseases. These facts afforded sufficient reason for them to say that some change was absolutely necessary in the matter of Poor Law medical relief. The present system of such relief was introduced into this country in the year 1834, and it must be admitted that it brought about a great improvement in regard to the poor. But notwithstanding that improvement, there was one great drawback, and that was the power which was given to the Poor Law Guardians to appoint and control the medical officers. In conjunction with every hon. Member who had studied the question, he hoped and trusted that the time was not far distant when the Government would feel it to be their duty to take up the subject, and to re-model and re-cast the whole system of Poor Law medical relief. He was surprised that they had not done so long since. He asked the House to assent to the second reading of the Bill, on the grounds—first, of justice to men who had sacrificed both time and money; secondly, of economy; and thirdly, of common humanity to the poor of the country. The medical officers gave themselves up to their duties with a devotion that was truly admirable. They ran great risks, and in several cases they had brought fever home to their own houses, and in some instances they themselves fell victims. Their remuneration was so small that they could not retire when age and infirmities came upon them, but were obliged to continue to do their work as best they could. Two objections had been raised to the Bill, the same as those urged against a similar Bill he introduced and passed last Session for Ireland. The first was that the people of this country were already over-taxed; and, the second, that the whole of the time of these medical officers was not employed. As abstract propositions he agreed with them. But this Bill, if passed into a law, would have the effect of lessening taxation, by improving the health of the poor. The rich were equally interested in the success of the measure with the poor, because zymotic diseases were preventible diseases, and if proper precautions were taken they might be stamped out. The small amount of money necessary for this purpose would be more than provided by the economy which was capable of being introduced into local expenditure. If the medical officer had a private practice, and was not dependent upon the salary attached to the office, it did not require much observation to know that he had quite work enough to entitle him to the consideration that was now asked for him. He held that these medical officers were not parochial officers; they ought, in fact, to be considered officers of the State, and not be subjected to the whim and caprice of guardians, because they efficiently discharged their duties. Over 72 per cent of the poverty of the United Kingdom arose from disease, and for the sake of the public welfare the medical officers ought to be well cared for. These men were liable to be called on at all hours of the day and night, and had to proceed great distances in all weathers, for a remuneration that was truly disgraceful. In 239 unions the average pay was from 8*d.* to 3*s.* per case, and in 384 from 3*s.* to 7*s.* per case. The average salary in the metropolis was £81 per annum, and in the country £49 per annum. If the Government would take the subject up they would confer a lasting benefit on the profession.

MR. D. DALRYMPLE seconded the Motion. He asked it as an act of justice, and not as an act of charity, that the medical officers should be put on the same footing as the clerks and other officers of Unions. The profession had not taken its proper position from a want of *esprit de corps;* but a change for the better had taken place amongst the medical officers of the Army, Navy, and Indian Service, which had greatly benefited them, and he should like to see the same reasonable combination amongst the Union medical officers. He hoped the innate soundness of the claim would be acknowledged by the House. As a Poor Law Guardian he knew that the remuneration of the Union medical officers was scandalously low, especially in the country—in some cases not more than £30 a year, and rarely more than £80. It was no excuse to say that all the time and skill of the medical officer was not taken up, though in almost all populous districts it was nearly so. The medical officers braved every kind of danger in the exercise of their profession, and it was melancholy to see the suffering, paralysis, fever, and early death to which they were subjected by attendance on the poor in workhouses and other places. He was sure that no one among the public would deny that they were entitled to some small superannuation. He thought that if a reasonable retiring allowance was given they would improve the service—they would get a better class of men, and would retain their services longer than at present; and they would get rid of many of those complaints which were now so frequently made to the Poor Law Board.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Dr. Brady.*)

Mr. J. FIELDEN said, he must oppose the measure, first, on the general ground that the granting of superannuation allowances was unwise in policy. It was most impolitic, either in the guardians or the State, to make provision for old age in the case of men in a position to make such provision for themselves, and if this policy were once admitted as sound no limit could be put to it, and the State would have to provide superannuation allowances for the labourer in the fields or the factory hand, simply because they had done their duty by the State in their youth. He also opposed the measure in the interests of the medical officers themselves. He admitted they were underpaid, but he must point out that guardians who would treat medical officers with the indignity with which many Boards at present treated them would not scruple to use the superannuation allowance as an instrument for lowering the pay; and the threat to introduce another medical man to the parish would force the local doctor to comply. Thus the medical officers would be more the tools of the guardians and of the Poor Law Board than they were at present. The profession felt that, and the majority of them were therefore opposed to the measure. A Bill of this kind was an attempt merely to patch up a system which required re-casting altogether. He moved that the Bill be read a second time upon this day three months.

Mr. MELLOR seconded the Amendment. He said that claims for superannuation allowances had been raised on behalf of so many professions of late that it was high time to make a stand against the further extension of the system. He quite admitted that the medical men had, like others, to struggle to support themselves and educate their children. This Bill, however, was against public policy, and he was sure would be objected to by the great body of ratepayers. In the Union with which he was connected, there was no difficulty in procuring the services of the most efficient men to fill the position of medical officers, and he did not believe there was a medical man in the whole Union who was in favour of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Joshua Fielden.*)

Mr. GOSCHEN said, he quite sympathized with the feelings of those who looked with jealousy upon the increase of superannuation allowances; but the necessity which obliged the authorities to resort to them arose from the permanency of the appointments and the difficulty of removing the officer when he ceased through age to be competent to perform the duties devolving upon him. He agreed with the hon. Gentleman opposite (Mr. Mellor) that the opinions of the ratepayers ought to be consulted, and he believed that the Bill could not be supported on the strict ground of justice. Superannuation allowances were, as a rule, only given to persons who were under a permanent contract to devote the whole of their time to the service of the public, and for this class a regular scale of retirement, after a certain period of service, was fixed by law. That was not the case with medical officers of Unions. As a matter of justice superannuation could not be demanded by them; but as a question of expediency it might be worth while to consider whether it would not be advantageous to the public service to grant such a boon to a valuable profession. The contract, or implied contract, of permanent employment could not well be broken without giving something in the way of compensation. Nor was it necessarily a question of actually increasing their remuneration. The question was, whether medical officers would accept a lower salary with superannuation, or a higher salary without superannuation. The hon. Member opposite (Mr. J. Fielden), who asked why labourers should not be superannuated by the State, must remember that it was not in the interest of the employed, but in that of the employer that these superannuations were granted; it was necessary to offer some bonus to the official to enable him to retire, for it seldom happened that a man came to the conclusion he was too old to perform his duties. It would be a short-sighted policy for the guardians to retain the services of any officer except so long as he was able to perform his duties competently. On behalf of the Government, he should support the Motion, because the Bill would have the effect of improving the medical service in Poor Law Unions by enabling Boards of Guardians, when they chose, to grant superannuation allowances to medical officers.

MR. HENLEY said, that after the declaration of the right hon. Gentleman (Mr. Goschen), it would be of little use to say anything on the other side, but he would nevertheless venture to refer to one or two points. To begin with, he believed we were now for the first time introducing the principle of superannuation in favour of persons who were only partially employed, and confessed he looked with some jealousy on such an extension of the principle. He had long entertained the opinion that Poor Law medical officers were very badly paid; and, indeed, it was in consequence of this that a partial attempt was made to compensate them by giving them a *quasi* permanence in their offices. But how had that system worked? In a great many instances they discharged their duties by deputy—a practice which was extremely unfortunate for the poor. There must, of course, be some kind of agreement or permission to employ a deputy; but he asked whether, in the event of this principle of superannuation being conceded, the duties would not always continue to be discharged by deputy after the medical officer was unable by reason of age or infirmity to perform them in person? Every gentleman who held such an appointment would make his money by taking pupils, and such a system would surely be detrimental to the interests of the poor. A year or two ago a case occurred in the East-end of the metropolis when it was proved that a pauper who died under very painful circumstances had been attended by the deputy of the medical officer, who said by way of excuse—"See what I have to do, and the money I am paid for doing it." The adoption of this superannuation scheme would, he feared, perpetuate the employment of deputies, and no greater evil could result to the poor than that. If the guardians wanted to prevent a medical officer from receiving the superannuation allowance, they would insist on his not employing a deputy. The better plan would be to pay these medical gentlemen a fair price for their work.

DR. LYON PLAYFAIR said, the first objection brought against the Bill by the hon. Member for the West Riding (Mr. Fielden) was so purely theoretical that it might apply to all questions of superannuation, but ought to have no weight in regard to this particular measure. Perhaps it might be true that there should be no such thing as superannuation, and that all these officers should exercise a sagacious prudence during their lives, so as to have a provision for their sickness and old age. But then their incomes must be of a character to render this economy possible. In the case of officers of the Army they gave superannuation, because their pay was so small that they could not save money. If it were just in such a case, it was far more necessary in the instance of Poor Law medical officers, who receive such miserable pittances for the exercise of most irksome duties, involving much professional knowledge, and exposing them not unfrequently to danger of life. The next objection, taken by the right hon. Member for Oxfordshire (Mr.

Henley), was more practical. The right hon. Gentleman said they were introducing a new principle when they proposed to give retiring allowances for partial services—that was, for persons whose time was only partly and not wholly given to the public. But the right hon. Member was wrong in thinking that this had not already been done on previous occasions. Last year they passed a precisely similar measure for the Poor Law medical officers of Ireland; and clerks and auditors to Boards of Guardians, who only gave their time partially to their duties, were entitled to superannuation. It was quite true that Poor Law medical officers gave only part of their time; but then their pay was only for that portion, and miserably indeed were they paid for it. The average payment was about 3*s.* 3*d.* per case—not for each visit, but for each case, which might last for a month or longer; and out of this poor pittance they had in most cases to supply drugs and all medical appliances. Only a portion of the time was demanded, and thus paid for, but that portion was exacted to the full extent. But he supported this Bill on public grounds. The services of medical officers, especially when they were efficient, were of very great importance to the community. Perhaps that was more obvious in Ireland than in England, where the result of their efforts had been to mitigate to a very large extent the fever of Ireland, which was at one time its peculiar scourge, to stamp out small-pox, and to resist the last invasion of cholera in a remarkable degree. Cholera in its last appearance in this country invaded Ireland. Formerly when it did so it desolated that country; but on the last occasion it found a new army of efficient medical Poor Law officers ready to resist its attack, and during the whole time that it remained, Ireland did not lose more than London did in a fortnight. The money saving to the country of these remarkable hygienic achievements had been infinitely greater than the cost of the medical service which had thus proved its utility—he did not mean the mere saving from preventible disease, but also from the pauperism which invariably followed in its train. No doubt, largely guided by these considerations, the House last year passed the Superannuation Bill for the medical officers in Ireland; and the question now was whether they should extend this principle to England. Unfortunately for this country the Poor Law medical service was not so well organized, and consequently the hygienic effects of their services to the State was not so conspicuous as in Ireland; but it was because he thought this Bill would have the effect of improving their condition, and of giving to the Poor Law medical officers that recognition of public service which was so important to them and the country, that he was anxious to see the principle of the measure extended. The operation of the Bill was made permissive. The immediate advantage would be that those medical officers whom age and infirmity prevented from discharging their duties would give way to more efficient men. The right hon. Member for Oxfordshire opposed the Bill because he thought it would lead to duties being performed by deputy. To his (Dr. Playfair's) view the very reverse effect would be produced. The old, worn-out parish doctor was often tempted to send his pupils or a deputy to attend on pauper patients; but with these powers of superannuation, younger and more efficient medical men were alone likely to be kept in their service. He supported the Bill further because he thought it would tend to diminish the poor rates. It was far cheaper to prevent pauperism than to pay for the support of pauperism. Preventible disease and sickness lay at the root of the pauperism of this country. If they properly paid and organized their medical combatants, whose profession it was to fight with disease, so that they had a right to count upon their services and efficiency, the economy to the country would be great. It was because this Bill gave the first official recognition of the public character of these services, and was, he hoped, the first step to its proper reorganization, that he gave to it his hearty support.

Mr. WHEELHOUSE said, he should give his support to the measure on economical grounds. No one who knew how badly the medical officers were paid could doubt but that for the fact of their having other practice they could not be induced to take office under the Poor Law Board. The poor ought to have the best possible medical advice, because we should then get rid of a large amount of disease, and also effect a considerable pecuniary saving

MR. BRODRICK said, he had placed his name on the back of the Bill because he thought a great injustice had been done for a long period to a most useful and deserving body of men. He admitted that to some degree it was useful to a young medical man to accept the office of Poor Law medical officer, but in other respects it was likely to keep men out of practice; for, as a general rule, the members of the richer classes did not much like to employ the parish doctor. He thought it was an act of sound justice to give such officers a small superannuation. These gentlemen, who had very limited incomes, and were obliged to marry young, could not in the majority of cases afford the money necessary to insure their lives.

MR. RYLANDS said, he must support the hon. Member for the West Riding (Mr. J. Fielden) in his opposition to the Bill. While sympathizing with the kind-hearted benevolence of his hon. Friend (Mr. Brady) he thought they ought not to legislate solely under the influence of a benevolent impulse, and he protested against the adoption of a principle which, if once admitted by Parliament, would lead to applications for similar allowances from other officers engaged in the public service. The true reason why medical men were badly paid was that there were too many of them for the demand. He regretted that the right hon. Gentleman who represented the Poor Law Board in that House had not at once given his strenuous opposition to the measure.

MR. GORDON said, he wished to explain why Scotland ought to be exempted from the operation of this Bill, which he should most cordially support in the interests, not of the medical officers alone, but of the poor and the ratepayers. The hon. Member who had just sat down had stated that the supply of medical officers was in excess of the demand; but this very circumstance in repect to tenants in Ireland had been loudly urged by hon. Members on the Ministerial side in justification of a departure from the strict principles of political economy. In Scotland the Poor Law medical officers were not permanently appointed, and, indeed, they were in other respects in a far less favourable position than their English and Irish brethren. They were appointed annually, their salaries were in most cases wholly inadequate, and very often they were required to contract to supply medicines out of their salaries. A Select Committee was at the present moment considering the subject of the Scotch Poor Law system, and he had no doubt they would recommend that the medical officers in that country should be put on the same footing with those in England and Ireland both as regards permanence of appointment and superannuation allowances; but as that Committee had not yet presented their Report it would be inadvisable to include Scotland in the present Bill. Unlike the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), he was of opinion that the granting of superannuation allowances would prevent medical officers from doing their business by deputy. A provision was made for the families of medical officers who fell in battle, and it would be a very fair extension of that principle if it were enacted that the wives and children of Poor Law medical officers who died in consequence of infection or contagion should be provided for out of the Consolidated Fund.

MR. MUNTZ said, he could perceive no analogy between the case of a medical man who was slain in battle and of one who died in the service of a Poor Law Union. He felt that medical officers were very much underpaid. Think of a medical man being appointed to attend a large district and find medicines at £40 a year. Why this was less than hon. Members paid to their butlers. Men of honour could not take such situations. It had been said that a medical man was seeking practice during the time he received the £40 a year; but if he did so he must devolve the duties on a very young assistant. It was a sham to talk about attendance on the medical wants of the poor at £40 a year, but if this Bill were carried, the Boards of Guardians would pay £10 a year less on the ground that the medical officers would be entitled to superannuation. He should oppose the second reading, and he hoped the hon. Member for the West Riding would divide the House.

COLONEL CORBETT said, he should give his support to the Bill, which his experience as a Poor Law Guardian had shown to be necessary. He thought the poor would be greatly benefited by such legislation.

MR. BEACH said, that the Bill would make an addition to the establishment charges which had been so loudly complained of throughout the country. He could not, however, refrain from supporting the measure, as justice ought to be done to these gentlemen; but he trusted that in the end the charge would be imposed on the public funds instead of the local rates.

MR. MAGUIRE said, that in Ireland a better class of Poor Law medical officers had arisen in consequence of a provision being made for old age. He had known cases, previously, where a good medical man was, owing to the want of superannuation, kept on as an officer to a too late age to his own prejudice, to the injury of the poor, and to the deterioration of the pockets of the ratepayers. The medical man was entitled to as much consideration as the military man.

MR. A. PEEL said, the policy of the Poor Law Board was to make the medical officers permanent, for otherwise they would not be independent of the guardians; but, in order to obviate the inconvenience of permanency and hold out some inducement to them to retire when they became old or feeble, it was necessary that there should be a superannuation allowance.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 139; Noes 28: Majority 111.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*.

## CAPITAL SENTENCES (COURT OF APPEAL) BILL.—[BILL 85.]

(*Sir George Jenkinson, Mr. Staveley Hill, Mr. Wren-Hoskyns.*)

### SECOND READING.

Order for Second Reading read.

SIR GEORGE JENKINSON in rising to move that the Bill be now read a second time, said he hoped that nothing he might say might be regarded as reflecting in the slightest degree on any individual who had ever held the Office of Home Secretary. A Bill on the same subject was introduced some 10 years ago by the hon. Member for New Ross (Mr. M'Mahon); but it dealt with all classes of criminal cases, whereas the present measure was limited to cases of persons convicted of capital offences, where the Judge certified for an appeal in the event of his being satisfied upon affidavits either that some facts not brought forward at the trial might, if proved, have obtained an acquittal of the prisoner on the ground of insanity; or that some facts exculpatory of the prisoner had been discovered since the trial, which, if proved at the trial, might have affected the verdict. He intended to add a third proviso, to the effect that an appeal should lie if the Judge were of opinion that circumstances existed in the case which rendered it questionable whether the extreme penalty of the law ought to be carried out. The reprieve of a prisoner ought in his opinion to be based on grounds which were made known to the public. The Criminal Law Commission had reported very strongly in favour of the view which he held, and said that the law of England was at present very defective as regarded the correction of errors committed under trial by jury. The essence of his contention was, that the proceedings in the way of appeal should take place before a public tribunal; and Sir Frederick Pollock, in his evidence given before the Commission laid down the same principle. Mr. Charles Greaves, who was appointed some years ago by the then Lord Chancellor to prepare a Report on Criminal Procedure, said the present system worked unsatisfactorily. It might, perhaps, be said that the French Court of Cassation considered only questions of form and law, and not questions of fact; but surely this was no reason why we should not adopt a better system. That was also the opinion of Mr. Greaves. He (Sir George Jenkinson) wished it to be understood that nothing in the Bill was intended, in the slightest degree, to interfere with the exercise of the prerogative of the Crown. The appeal he proposed only applied to the question of the guilt or innocence of the prisoner, based on new evidence, the accuracy or otherwise of which ought to be decided by a trial before a properly constituted tribunal in order that the public might know the grounds of the alteration of the original verdict. Assuming the guilt he did not propose that the prerogative of the Crown to pardon criminals should be in the least degree interfered with. At present the Home Secretary was obliged to proceed entirely on *ex parte* statements got up by the prisoner's friends, and generally without any notice whatever to the prosecutor. Nothing could tend more directly to bring about the abolition of the punishment of death—a result which he should greatly regret—than the commutation of the capital sentence, where a horrible murder had been committed, while the public were unacquainted with the grounds of the commutation. Such proceedings could only tend to weaken the majesty of the law and the confidence which ought to be reposed in its administration. Chief Justice Marcy, of the United States, was also in favour of an appeal on the facts. In the cases of Smethurst and Pellizzioni, there had been a reversal of the solemn verdict of the jury, and very properly so in both those cases; but why should not such reversal—or the grounds of it—have been made public, as well as the evidence on which the decision was arrived at? Instead of a secret investigation by the Home Secretary there should be a re-hearing by a properly-constituted tribunal. Of 206 cases in which reprieves had been granted, 123 prisoners had been convicted of murder and 83 of other crimes. This Bill, if adopted, would relieve the Home Secretary of a most anxious, painful, and often most perplexing duty. It was not expedient that doubts should arise in the minds of the public as to the grounds on which reprieves were given. There was a case in *The Times* of the 24th of May in which a prisoner who had been sentenced to be hanged many years ago, but was reprieved, had again been tried for a barbarous murder on Bradford Moor. The prisoner turned out to be a returned convict, and had committed grievous injuries on several persons. That certainly was not a case in which a reprieve should have been granted, and if there had been an appeal in criminal cases such a prisoner would not have been set at liberty with a ticket of leave after eight years' penal servitude. There was also the case of Rutterford, convicted of murder and ordered for execution, but whose sentence had been commuted to imprisonment for life in consequence of some thickening in the muscles of his neck, which rendered it difficult to inflict on him the capital punishment, without, as alleged some additional pain. [MR. BRUCE: That is not so.] He only knew what had been stated in the journals at the time; but of course the right hon. Gentleman could tell to the House the whole facts of the case. But what he wanted to know was, what protection they could give to the warders and other officers of the prison where that convict was to be imprisoned for life when he knew that if he committed other murders he could not be hung, owing to this malformation of his neck? In bringing forward this subject and proposing this Bill he was actuated only by a sense of public duty. His object was to remedy a wrong which he believed really existed, and although he might not be successful now, he believed the time not far distant when some change of the nature which he advocated would take place in the law. He begged to move that the Bill be now read a second time.

MR. EASTWICK seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir George Jenkinson.*)

MR. J. D. LEWIS said, that the Bill of the hon. Baronet opened a very large question—namely, that of appeals in all criminal cases; and, if ever to be dealt with, it should be dealt with by the responsible Ministers of the day. The question was not a new one; it had been brought forward in 1844 by Mr. Kelly, now the Lord Chief Baron; in 1848, by Mr. Ewart; and, in 1860, by the hon. Member for Wexford (Mr. M'Mahon), when the late Sir George Lewis made a most exhaustive speech on the whole subject. Besides this, it had been considered by a Committee of the House of Lords in 1848, and incidentally by the Capital Punishment Commission, which reported in 1866. The hon. Baronet had quoted the evidence of Mr. Greaves; but he was the only witness who gave evidence which was at all in favour of an appeal in criminal cases. Lords Lyndhurst, Denman, and Brougham had declared against it, holding that the Bill introduced by Mr. Kelly would have a mischievous effect. A written letter was addressed to all the then existing Judges for their opinion on the matter, and every single answer was opposed to it. So, in 1864, Lord Wensleydale, Mr. Baron Martin, and the right hon. Baronet the Member for Morpeth (Sir George Grey) gave their opinion unanimously that such an appeal would be mischievous. The testimony of two generations of Judges was surely more than sufficient to outweigh that of Mr. Greaves and Chief Baron Kelly. Almost all the objections urged by the learned Judges were reflected in the provisions of this Bill. One great objection was that it was one-sided; for while an appeal was given to the criminal, none was given to the Crown on behalf of the public. Surely, if additional evidence was to be admitted in favour of the prisoner, additional criminatory evidence ought also to be admitted. Moreover, the Bill was totally unworkable. He did not see how it was possible to constitute a Court within the conditions prescribed by the Bill. Where were the expenses of the appeals to come from? Besides, after all, according to the last clause of the Bill, the appeal must ultimately come to the Secretary of State for the Home Department, who would have to decide the case, after two bad trials, instead of, as now, one good trial. He moved that the Bill be read a second time upon this day three months.

Mr. BRISTOWE, in seconding the Amendment, said, that the proposed new tribunal would not be able to do anything which the Home Secretary could not do at present. The Bill contained no provision for granting a new trial, or for quashing a conviction.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. J. D. Lewis.*)

The ATTORNEY GENERAL said, that attempts had already been made to solve this problem, but always without success, and the present attempt appeared less likely to be successful than any preceding one. There certainly was some authority in favour of instituting new trials in criminal cases; but the weight of authority was decidedly against such a proposition, and there was no authority whatever for such a measure as the present. He did not believe that during the whole of this century there had been a single case of an innocent man having been executed. There might be, and no doubt were, many cases of improper acquittals, nor was he going to deny that there were cases in which the prerogative of mercy had been inexpediently exercised; but the Bill did not deal with either of these classes of cases. The Bill had been correctly described as a one-sided measure. It failed to grapple with a difficulty which had never yet been grappled with, and that was the difficulty, if you allow a new trial in criminal as in civil cases, of not allowing it to both parties. Again, if the Judge was to be called upon to certify that additional facts had been brought forward, care would be taken in every case to file affidavits, stating that new facts had been discovered, and they might be kept back for that very purpose until after the trial. The practical effect of the machinery provided by the Bill in respect to the constitution of the Court would be to cause great delay in the execution of the sentence, as some of the proposed Judges might not be able to attend for a long time after being summoned, and then, after that delay, people would say that it was too late to hang the convict. Those who objected to capital punishment might think that that would be a very good result; but surely, if it were deemed right that capital punishment should be got rid of, it ought not to be abolished by a side wind of that kind. Assuming, however, that the new Court assembled in good time, still it had not the power to institute a new trial in a regular way before a jury, but could only enter upon a new investigation of a bastard description unknown to the law, and the new Court was afterwards to report to the Queen as to a free pardon, or commutation of the sentence, or otherwise, as it might deem right. In fact, the Bill placed the Judges of the new Court in the position of the Secretary of State for the Home Department, and made them the Advisers of the Crown; and here a constitutional objection arose, because it was a constitutional principle that the executive and judicial functions should be kept distinct. Under the existing system the Crown was advised by the Secretary of State as to the exercise of the prerogative of mercy, and the Secretary of State was responsible to Parliament for the advice given. The Bill was, therefore, open to the further objection that it made the Advisers of the Crown in respect to the exercise of the prerogative of mercy a body not responsible to Parliament. At the same time the Bill did not relieve the Secretary of State for the Home Department from the duty of advising the Crown in that matter, for that high functionary would still be, after the passing of the Bill, as powerful as ever, and might give the Crown whatever advice he pleased with regard to the commutation of capital sentences. The Bill was an ill-considered attempt to deal with a complicated subject, and he could not give his consent to the second reading.

Mr. LOPES said, he must express his unqualified disapproval of the Bill, the principle of which he considered bad, and the machinery, if possible, worse. It would be most unsatisfactory to try a case over again upon written statements when the jury had seen the witnesses. If the measure became law, it would produce uncertainty as to the execution of capital sentences; and, to a great extent, would do away with their deterrent effect. He could come to no other conclusion than that those who were in favour of such a Bill as the present must give it their support because they were advocates for the abolition of capital punishment.

Mr. G. B. GREGORY said, that at present there was substantially an appeal in criminal cases from the Criminal Court to the Secretary of State for the Home Department. He did not regard that as a satisfactory proceeding; and, though he entertained considerable objection to the present Bill, and hoped the hon. Baronet (Sir George Jenkinson) would not press the Motion to a Division, he thought the subject was one well worthy the consideration of the House.

Mr. BRUCE said, he fully admitted that the whole subject deserved the consideration of Parliament, but he regarded the provisions of the present Bill as very defective; and he was of opinion that, if the subject was dealt with, it should be dealt with thoroughly and completely. The Bill provided a most inefficient Court of Appeal in respect to criminal sentences; and, after establishing the Court, did not make it a necessary institution, as there was nothing in the Bill to prevent a prisoner appealing, in the first instance, to the Secretary of State. Indeed, after an inquiry by the Court of Appeal, the Secretary of State might still be applied to, and his decision might differ from and overrule the judgment both of the Court which originally tried the case and of the Court of Appeal. The Bill applied to two cases—first, where some facts, not brought forward at the trial, might, if proved, have obtained an acquittal of the prisoner, on the ground of insanity; and, secondly, where some facts, exculpatory of the prisoner, had been discovered since the trial, which, if proved at the trial, might have affected the verdict; but there was a third class of cases, which excited quite as much public dissatisfaction as the two former, and they related to the extent of the punishment. When a prisoner was convicted of murder, the Judge was bound to pass sentence of death, although in his opinion, and frequently in that of the jury also, and of the public, the circumstances of the case were not such as to warrant the infliction of the extreme penalty of the law. In the case of manslaughter, unrestricted power was left to the Judge, as to the punishment to be awarded; but after a conviction for murder, the Judge must pass the sentence of death, though murders might either be the result of the most atrocious cruelty, or of suddenness of action, induced by provocation more or less serious. It was this distinction which rendered necessary the exercise of the prerogative of mercy to cure the defect of the law; and in 1864, the right hon. Baronet the Member for Morpeth (Sir George Grey) expressed his opinion that without the free exercise of the Royal Prerogative, the law could not remain without alteration for a single day. With that large class of cases the present Bill did not deal. The measure, indeed, was imperfect, both in regard to what it dealt with and what it did not touch; and, therefore, he could not assent to the second reading. The hon. Baronet (Sir George Jenkinson) had alluded to the case of Rutterford, who committed an atrocious murder, and whose capital sentence was commuted on account of same malformation in the man's neck. After making due inquiry, he felt it necessary to commute the sentence, in order to prevent a great public scandal, which would have been the result of an unsuccessful attempt to hang the culprit. That case, however, as well as another referred to by the hon. Baronet, had no relation whatever to the Bill before the House, because neither of them could have gone for review before the Court which the hon. Baronet proposed to establish. Such illustrations showed that the hon. Baronet had not thoroughly considered the subject, and did not understand the working of his own Bill. Under these circumstances, he trusted the House would support the Amendment.

Sir GEORGE JENKINSON, in reply, said, that not a single argument had been urged against his Bill which did not apply with ten-fold force to the revision of capital sentences by the Home Secretary.

Sir HENRY SELWIN-IBBETSON said, he trusted the hon. Baronet would not divide the House on the Motion for the second reading; as many Members, though feeling some dissatisfaction at the present state of the law, thought the subject of such vast importance that it should be dealt with only by the Government.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

### BROKERS (CITY OF LONDON) BILL.

(*Mr. William Fowler, Mr. Morley, Mr. Eykyn, Mr. Bowring.*)

[BILL 71.] SECOND READING.

Order for Second Reading read.

Mr. W. FOWLER, in rising to move that the Bill be now read a second time, said, there was no other place in the country besides London in which brokers were required, as they were in the City, to give bonds of £1000 to a municipal corporation, to find two sureties in £250 each for their good conduct, and to pay an annual fee of £5. The fees thus paid in the City of London produced between £6,000 and £7,000 a year. When a broker had been once admitted and had given a bond, there was no renewal of the bond or of the sureties, and everything went on smoothly as long as he paid his annual fee and was not complained of; so that a man might have become utterly untrustworthy, and no one would know anything about it from the action of the Court of Aldermen, who possessed this anomalous jurisdiction over the sworn brokers of the City of London. A good many brokers who were not able to get on the Stock Exchange at all were yet sworn brokers of the City of London; and they were able, therefore, to advertise themselves as brokers, and to induce people to trust them who probably would not do so otherwise. He knew of a case in which a broker paid his surety 5*s.* a week in order to keep him from want, so that his suretyship was not of much use to the public. Owing to some disturbance having been made, the Corporation were now rather more particular about the character of the sureties than they used to be at one time, when the common crier was employed to make inquiries respecting them. He believed, however, that the Court had no power, having once admitted a broker, to inquire into his sureties. On what principle was it that the brokers of the City were subject to this peculiar jurisdiction? No doubt it was a relic of olden times, when all trades were controlled more or less by guilds, and the first legislative mention of it was in 6 *Anne*, c. 16, which compensated the City for the loss of income in connection with the garbling of spices, by imposing a fine upon brokers. Again, in 1817, to compensate the City for the loss of revenue from wine-guaging, in consequence of the establishment of docks outside the boundaries, the annual fee of a broker was raised from £2 to £5. In 1844 a Commission reported against this civic jurisdiction over the brokers as productive of no public benefit; in 1854 a Bill to remove it was passed by the Commons, and thrown out by the Lords because it was a private Bill, and because it provided no compensation for the fees; and in 1865 another Bill miscarried, owing to a dispute in Committee. One thousand out of the 1,300 City brokers had signed a Petition, objecting to the jurisdiction; and there was no reason why the brokers should be subject to it any more than other traders, or any more than the brokers of Liverpool, Manchester, and other towns—or, indeed, the brokers of London whose places of business were outside the City boundaries. If it was said they were trustees, he and his hon. Friend the Member for Huntingdon (Mr. T. Baring) were large trustees, yet they were exempt; and if they went to the other side of the water they would find the hop-factors in the Borough free from this jurisdiction, though it would be hard to distinguish their business from that of brokers. The Court of Aldermen was an unsatisfactory tribunal, there being no regular form of procedure, and no power existing to call witnesses or award costs. It was doubtful whether they had power to administer an oath, and statements were sometimes accepted and allowed to go forth to the public for which there was no foundation. At other times the proceedings were adjourned, and the question settled —a course which, according to the testimony of Alderman Finnis, was analogous to compounding a felony. If there was any tribunal at all it should be one of quite a different character, to which the whole trading community would be amenable. There were several instances in which, solely for the purpose of injuring a firm or forcing them to compound, petitions containing libellous assertions were presented, the refutation of which involved serious loss in the shape of costs to the persons accused, who had no legal remedy. Those who advocated a more enlightened system had several Aldermen on their side, amongst whom were the hon. Member for Finsbury (Mr. Alderman Lusk), Mr. Alderman Finnis, and others. The true protection to a trader was the law of the land and his own good sense, which should lead him only to confide in trustworthy persons; he had no need to be nursed by the Court of Aldermen. The present system was actually dangerous, because the jurisdiction gave a man an appearance of trustworthiness which was not real. A memorial had been signed by 100 of the leading firms of the City, headed by Baring Brothers & Co., which declared that the regulations affecting sworn brokers were no security of their fitness, and did not in any way increase the confidence which led to the employment of brokers in large transactions. As to widows and orphans, the City, by its name, gave a sanction to brokers whom the Stock Exchange would not have. The Stock Exchange was a voluntary association, with machinery for looking after those under its jurisdiction; but the Court of Aldermen had no such machinery. It was derogatory to men in the high position of a large number of brokers to be treated as if they were an exceptionally dangerous class; and the City of London would do wisely to accept the offer they made, which would not meddle with the funds, and would only relieve the Court of Aldermen from a bad inheritance. Before 1865 the Court tried to regulate the trade of these people, but they had found that a failure, and had given it up; and now the bond was given virtually for good behaviour generally. The arguments used in favour of the continuance of this jurisdiction were futile, for the law of the land already made it an offence for a trustee to sell to himself, while the two sureties of £250 each would, if inquired into, be found to be shadowy in the extreme; and, even if they were not, what did the securities amount to? There were about 1,300 brokers, which would give a sum of £650,000. But the transactions of the Stock Exchange in a year could not be less than £500,000,000, while the transactions of the produce brokers he believed exceeded £120,000,000. With the thousands of pounds passing through a broker's hands in the course of 12 months, what was the security afforded by £500? It was absolutely ridiculous. Sir Sydney Waterlow had supplied a list of cases since 1835 in which sureties were brought before the Court; and, out of 25 cases, five were withdrawn, 12 dismissed, in six proceedings were directed to be taken, and in only two instances was money recovered from the sureties. In conclusion, this jurisdiction should be done away with because it did not protect the public, and because the Courts of Law afforded redress to all persons having cause of complaint. If they were not as rapid as was desirable let that be changed. It was said that petitions were sometimes signed by bankers and merchants without adequate consideration being given to their contents; but this certainly was not the case with regard to the Petition presented in support of this Bill. Its prayer was a reasonable one, and the more the system was investigated against which its prayer was directed the more this would be found to be a relic of a barbarous age, and unworthy of the times in which we lived. The hon. Member concluded by moving that the Bill be now read a second time.

MR. T. BARING, in seconding the Motion, said, the real question for the House to consider was, whether any good or valid reason existed for maintaining a restriction imposed only upon one class of traders. He should hesitate very much to support any measure which would diminish the revenue of the Corporation of London without granting compensation, but the Bill would not take a single penny from the income of the Corporation. He was willing to admit that the judicial duties devolving upon that body in regard to brokers had been discharged not alone creditably, but equitably, and in the main judiciously. Those duties, meanwhile, were such that the Corporation themselves ought to be glad to get rid of them; and though they might not originate such a proposal, they might very graciously accede to it as proceeding from the House. Why should this jurisdiction, if it had any real value, be confined to the class of brokers, and why did it apply to the City of London alone? Were the brokers, as a class, so dishonest that they and they only need be subjected to this special control? If not, why was this stigma imposed upon them? He challenged the supporters of the present system to state who were the persons and the interests that favoured its continuance. The system might have been well suited to a time when the trade of the City of London was carried on by companies and guilds; but in the present day all traders ought to come under the common law of the land. There was a general feeling in the City that this was an interference with the trade of London which ought not to be continued, and its removal without injuring the Corporation in any way would benefit a respectable body of men who had long expected this measure of justice at the hands of the Legislature.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. Fowler.*)

Mr. GOLDNEY said, he wished to ask, as a matter of regularity, whether the measure was one that ought to be proceeded with as a public or as a private Bill. Reference was made in its provisions to a public Act of Queen Anne's reign, and also to a local and personal Act, by which, he believed, the existing legislation was controlled. In 1864 a Bill very similar in character to the present was introduced as a general measure, but the matter dropped, and there was no record of the proceedings. In the same year, however, a private Bill, having identically the same objects as the present Bill, was introduced, read a second time, and referred to a Select Committee, but was defeated, as the report of that Committee was against it.

Sir DAVID SALOMONS said, the reason was because the former Bill also dealt with the money part of the question.

Mr. W. FOWLER explained that the opinion of the Examiner had been taken on the point, and that he held this Bill to be properly a public Bill. In 1864 it had been brought forward as a private Bill, and had then been withdrawn because it was considered that it ought to be a public measure.

The DEPUTY SPEAKER: I understand that the matter has been before the Examiner, who has pronounced that there are no Standing Orders applicable to the point which is now raised.

Mr. EYKYN moved the adjournment of the debate.

Debate *adjourned* till *Wednesday*, 27th July.

## SETTLED ESTATES BILL—[Bill 110.]

(*Mr. Stapleton, Colonel Stepney, Mr. Stacpoole.*)

### SECOND READING.

Order for Second Reading read.

Mr. STAPLETON, in moving that the Bill be now read a second time, said, its object was to extend to the rest of the United Kingdom the principle of the Montgomery Act, which had worked with advantage in Scotland. Under the Bill, persons who had settled estates on which there were no country houses would be enabled to build houses upon them, and charge the cost on the estate in the form of an annuity; the expenditure, however, being limited to the amount of three years' rent. The Bill, he anticipated, would have the effect of increasing the number of resident country gentlemen, and of diminishing the numbers of that "lounging class" to which the Prime Minister had sarcastically referred.

Mr. STACPOOLE seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Stapleton.*)

Mr. GOLDNEY said, he must oppose the Bill, which he thought ought not to be hurried forward then, as it had not been expected to come on, and an opportunity should be afforded for its discussion.

The hon. Member was proceeding to argue against the Bill when it being Six of the clock.

Debate *adjourned* till *To-morrow.*

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 23rd June,* 1870.

MINUTES.]—*Sat First in Parliament*—The Lord Wigan, after the death of his father.
Select Committee—*Report*—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod. [No. 156.]
Public Bills—*First Reading*—Public Health (Scotland) Supplemental * (154); General Police and Improvement (Scotland) Supplemental * (155).
*Committee*—Ecclesiastical Dilapidations (No. 2) * (114); Irish Land (122).
*Committee—Report*—Jewish United Synagogues * (137); Saint Olave, &c. Charities * (138).
*Report*—Pier and Harbour Orders Confirmation * (110).
*Third Reading*—Drainage and Improvement of Lands (Ireland) Supplemental * (57), and *passed.*

### NEW PEER.

Sir John Emerich Edward Dalberg-Acton, Baronet, having been created Baron Acton of Aldenham in the county of Salop—Was (in the usual manner) introduced.

### IRISH LAND BILL—(No. 122.)

(*The Earl Granville.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

**Lord REDESDALE** gave Notice that, not being able to move an Amendment when in the Chair, he should on the Report, in the event of any equivalent Amendment not having been made in Committee, move an Amendment in the 3rd clause, in the sense of the Protest which had been signed by himself and other noble Lords.

*Moved,* That the House do now resolve itself into Committee.—(*The Earl Granville.*)

**The Earl of LUCAN** said, that having been a Member of the House for 30 years, he desired to offer some remarks on the most important Bill which had appeared during the time he had sat in either House. With regard to the second part of the Bill—those clauses which related to advances to be made by the Government to enable tenants to purchase the land of their landlords—he thought it was one of the great difficulties of Ireland that the land was in so few hands. Therefore, he thought the proposals of the Bill would act advantageously. But he could not approve the mode in which it was proposed to bring about the desired result. If it was the intention of the Government to advance money for the purchase of their holdings not merely to tenants paying £5 or £10, but to those paying from £2,000 to £5,000 per annum, it would be exceedingly advantageous to Ireland. Land was at present in too few hands, and it would be a great advantage to introduce landlords with property amounting to several hundreds or thousands a year. Nothing, however, would be more mischievous than a tenant-proprietary; nor could he conceive that landlords would be willing to sell to their tenants holdings of £20 or £30 per annum. If that was the object in view, it would assuredly prove a failure. As to the other parts of the Bill, it was dishonest, oppressive, revolutionary, and totally uncalled for. It was impossible to take from A and give to B without robbing the former; and though the noble and learned Lord (the Lord Chancellor) had tried to explain this away, he would certainly have used no such argument in his judicial capacity. With regard to awarding seven years' value as compensation to the tenant, this, in the West of Ireland, would be equal to half the fee simple. It was unfit for a civilized Government to have proposed such a measure. The *Revue des Deux Mondes*, than which no Continental publication expressed opinions of more value, had remarked that no reformer would dare to propose a scheme similar to this Bill on the Continent, for he would be accused of shaking the basis of society; and that to find a parallel to the measure one must go back to the French Revolution. But this Bill was not paralleled even by the confiscations of the French Revolution, for nobody who submitted to the Government of the day was then subjected to a confiscation of his property. It was an oppressive proceeding to enact that a landlord should not contract in a particular way with his tenant. Moreover, the tenantry of Ireland had not sought, and, indeed, he doubted whether they approved the Bill. It was true so-called tenant-right meetings had been held; but their object, in nine cases out of ten, was the liberation of the Fenian prisoners, and the land question was one wholly got up by the Roman Catholic clergy, whose whole income depended on the existence of a small and numerous tenantry. As one who had supported every measure in favour of the Roman Catholic priests, from Emancipation downwards, he did not blame them for this, for it was a life and death matter to them, and that it was thought so had been proved that the Roman Catholic hierarchy at Rome had passed a resolution to the effect that the Bill would be useless unless it led to a subdivision of farms all over Ireland. The noble Earl the Lord Privy Seal admitted the other night that this was a very strong Bill, and that it would have been impossible last year to introduce such a measure, neither England nor Scotland being prepared for it, and that it was necessary to educate them for it. [The Earl of KIMBERLEY intimated dissent.] How had England and Scotland been educated? Why, these tenant-right meetings had kept Ireland in a state such as the oldest man could not recollect, and the West of Ireland had been in a condition of excitement such as he had never seen. For this the Government were chiefly responsible, for they ought not to have allowed the agitation to go on for several months, for they knew that these meetings were really held for the purpose of obtaining the release of the Fenian prisoners. He would do Mr. Gladstone the justice of believing that he had no intention of acceding to the demand for the liberation of the prisoners, and that had been at last openly announced. But had he spoken out in September, instead of in November or December, when sedition was boiling over, there would have been no agitation. But the "education" of England and Scotland required that there should be excitement and even rebellion in Ireland; but he held the Government utterly unjustifiable in seeking to influence Great Britain at the cost of Ireland. It had been stated by a Member of the Government that they were prepared to legalize the Ulster custom, but not to make it universal. This, however, would certainly be the effect of the Bill. If a tenant wished to surrender his tenancy, and presented a claim for compensation, landlords with sufficient balances at their bankers might settle the claim; but this was not the case with himself, and, after seeing that the terms were not excessive, he should be obliged to tell the tenant to go and find a successor and arrange with him. After suggesting or tolerating an arrangement of this kind between the two men, he could not, as an honest man, ignore that arrangement. Thus tenant-right would be extended to parts of the country where it was at present unknown. The effect of the Bill would be that the landlords would lose all control over their estates, and would, therefore, become absentees—an evil which which was most loudly denounced by the very persons who were doing their best to promote it. Friendly relations between landlords and tenants would inevitably be disturbed by the Bill, and the influence of the landlords, the only class who were firmly attached to the Union with England, would be destroyed.

EARL GRANVILLE believed he should be acting in unison with the feelings of the House by not following the noble and gallant Earl (the Earl of Lucan) over the spirited and energetic invective he had pronounced against the Bill and against the Government. The measure was very fully debated on the second reading—and he was bound to say—and it was acknowledged by his Colleagues—that it was debated, with that amount of exception which only proved the rule, in a singularly calm, earnest, and statesmanlike manner by both sides of the House. This, he was most willing to admit, was very much owing to the initiative of the noble Duke opposite (the Duke of Richmond). The noble and gallant Earl was quite justified on the score of Order in making a speech on the Motion to go into Committee; but he was at a loss to understand why, deeming the measure a robbery, outrageous, and revolutionary, he could have sat silent during the three nights of debate on the second reading without having delivered his opinions. Considering the small volume, as it were, of Amendments before them, he hoped their Lordships would at once go into Committee.

Motion *agreed to;* House in Committee accordingly.

### PART I. LAW OF COMPENSATION TO TENANTS.

Clauses 1 to 12—*Claim to Compensation.*

Clause 1 (Legality of Ulster tenant-right custom).

THE EARL OF LONGFORD asked for a fuller explanation of the advantage expected by the Government from converting a well-understood custom into an unintelligible law? It was admitted that the custom could not be defined, yet——

LORD CAIRNS rose to Order. It was usual to consider the various Amendments in their order, and afterwards, on the Question that the clause stand part of the Bill, to enter on a general discussion of its effect.

THE EARL OF LONGFORD said, he did not believe that the Government could give any satisfactory reply to his observations; but he should be satisfied if the explanation he desired were given hereafter.

LORD CAIRNS moved an Amendment, providing that the clause should apply to holdings, or the estate of which such holdings formed a part, which were proved to be subject to the custom. The object of the Amendment was sufficiently obvious. There were on various estates in Ireland a great many holdings which had gone from father to son generation after generation, and with regard to which there had never been an opportunity of testing whether the Ulster custom applied. The Amendment would supply a means of ascertaining the facts on that point.

Amendment moved, line 14, to leave out ("proved to be subject thereto"), and insert ("where such holding or the estate of which, at the time of the passing of this Act, such holding forms a part, is proved to be subject thereto").—(*The Lord Cairns.*)

EARL GRANVILLE suggested that the Amendment might apply the custom to part of an estate where it had been purchased by the landlord.

LORD CAIRNS thought this danger would be prevented by a proviso, which would make it apply only to holdings which were part of a particular estate at the time of the passing of the Act.

VISCOUNT HALIFAX pointed out that different customs existed on a single estate. On his estates in Yorkshire various customs existed side by side—different customs prevailed on the same estate, or within the limits of one parish. On one of his estates there were two customs, though both farms were occupied by the same family. He thought the noble and learned Lord might provide for the case of continuous possession by one family in some other manner. He thought his present proposal might give rise to confusion.

LORD DUFFERIN concurred with the noble Lord (Viscount Halifax) in thinking there would be some danger in the Amendment. He might, for instance, possess an estate where no tenant-right had been suffered to exist for 10 or 15 years, and he might then purchase an adjoining but larger property on which tenant-right was in full force. When the two properties became incorporated in one estate it might be ruled, under the terms of this Amendment, that the practice of what would then be the larger portion should be extended to the remainder, where no tenant-right had previously existed. There would be danger of the same result in the case of part of an estate, which, after having been in the occupation of the proprietor, had been let on the understanding of exclusion from the custom.

LORD CAIRNS said, he knew that different customs might prevail on adjoining estates; but he had no knowledge of a variety of custom on a single estate. His only desire was to guard against any wrong to the tenantry; and, admitting that the objections urged deserved consideration, he would defer the question till the Report. He was satisfied, however, that something ought to be done.

Amendment (by Leave of the Committee) *withdrawn.*

THE EARL OF DARTREY moved to add a proviso that the clause should not affect the right of a landlord to accept or refuse a new tenant on any change of tenancy, where such power had been the usage of the estate. This right, he insisted, ought to be clearly reserved, or efficient control of an estate would be out of the question. What would be the position of a landlord if he had no power to prevent a Ribbonman, Fenian, or other objectionable character from becoming his tenant? Considering the litigious character of his countrymen, and the difficulty of preventing surreptitious assignments of farms, Parliament ought not to leave the landlord's right in any uncertainty.

Amendment *moved,* in line 15, after ("Act") insert

"(Provided always that nothing in this Act shall affect the right of the landlord either to accept or refuse a new tenant upon any change of tenancy, should such appear to have been the usage of the estate").—(*The Earl of Dartrey.*)

EARL GRANVILLE said, he sympathized in the noble Earl's object; but he feared the Amendment would tend to defeat it—especially the words where such power "should appear to have been the usage of the estate."

LORD CAIRNS heartily concurred in the spirit and object of the Amendment, and hoped the proposal would be carefully considered in a future part of the Bill. It was but just that landlords should be protected against objectionable tenants being foisted on them without their consent; but he did not think the present was the best time to bring forward the proposition. If, as he believed, the landlord's power to select, or, at least, to exercise a veto on, a tenant was a condition of the Ulster custom, it would be legalized by the clause along with that custom, and the Amendment might weaken other conditions.

THE EARL OF DARTREY said, he would withdraw the Amendment, on the understanding that the point would be considered at a future stage.

Amendment (by Leave of the Committee) *withdrawn.*

LORD CAIRNS moved an Amendment providing for cases where the tenant-right had been bought up by the landlord by a remission of rent or other valuable consideration. Tenants with several years' rent in arrear, and desirous of emigrating, sometimes gave up their farms on the rent being remitted and a small sum given to them. He moved this Proviso because he thought such cases would not come within the Proviso relating to purchase of the custom.

Amendment *moved,* in line 18, after ("subject") insert

"(Or where the tenant of the holding has given up or shall hereafter give up possession thereof to his landlord for valuable consideration").—(*The Lord Cairns.*)

THE LORD CHANCELLOR said, he believed these cases would be covered by the Proviso; while under the Amendment there would be a danger of a tenant giving up his tenant-right without knowing or intending it.

THE DUKE OF MANCHESTER said, that on any change of tenancy he purchased the tenant-right from the outgoing and sold it again to the in-coming tenant.

After short discussion, Lord CHELMSFORD suggested that as the Proviso was limited to a specific bargain between the landlord and tenant, the object of the Amendment would be attained by inserting the words "or acquired."

Amendment (by Leave of the Committee) *withdrawn;* Clause amended by inserting the words ("or acquired").

THE DUKE OF RICHMOND, on rising to move an Amendment, of which he had given Notice, on the 1st clause, said, he could not omit this opportunity of saying how gratified he was at the presence in that House of the Lord Chancellor of Ireland (Lord O'Hagan). That noble and learned Lord's intimate knowledge of Ireland could not but be of great advantage to their Lordships in the discussion of this Bill. The portion of the clause to which his Amendment had reference was that which gave the tenant who held under the Ulster custom the option of claiming under that custom or under those provisions of the Bill which applied to the Irish tenantry generally. Now, he thought this option might work great injustice to the landlord in some instances; and with the view of preventing that he begged to move the omission of the words "with the consent of the Court." If those words were struck out he would then move, after the words which conferred the option, these words—

"If the Court shall be of opinion that his doing so involves no injustice or breach of contract towards the landlord."

Amendment *moved,* lines 24 and 25, leave out ("with the consent of the Court").—(*The Duke of Richmond.*)

EARL GRANVILLE said, the Amendment appeared to him unnecessary. The object of the clause was to meet the case where the claim of the tenant under the Ulster custom was so small that there was little or nothing left him. The Government desired that in every case the equity of the claim should be left to the decision of the Court. There might be "a breach of contract towards his landlord" of the smallest possible kind, and that would oust the jurisdiction of the Court.

THE MARQUESS OF SALISBURY said, there was marked inconsistency between the argument by which this clause, as it stood, was defended, and that by which the second reading of the Bill had been supported. In the debate on the second reading their Lordships were told, as an excuse for the policy which proposed to put a certain part of the property of the landlord into the pocket of the tenant, of the marvellous results of the Ulster custom, and that the object of the Government was to give the force of law to custom throughout Ireland. But it now appeared that, instead of putting the rest of Ireland on a footing with Ulster, it was intended to put Ulster on a footing with the rest of Ireland.

EARL GRANVILLE said, the Government did not wish to destroy the Ulster custom by the Bill. They wanted to provide for cases in which, as a consequence of that custom having been fined down to infinitesimally small dimensions, it would afford the tenant no protection against capricious eviction.

LORD CAIRNS said, it appeared from the explanation of the noble Earl that the Government would give the Ulster tenant the option of coming under the general clauses of the Bill, even though his doing so might involve injustice or a breach of contract towards his landlord. His noble and learned Friend on the Woolsack, in the discussion on the second reading, told their Lordships that the custom of Ulster, as regarded any holding subject to it, to be deemed to form a part of the contract between landlord and tenant. And in that view he entirely agreed. But as the Bill stood, the landlord would be bound by it, but the tenant would not be. The Court ought to have the power of refusing to allow the Ulster tenant to claim under the general provisions of the Bill, when his doing so would be a breach of contract. The alternative given to the Ulster tenant formed no part of the original Bill of the Government, but was proposed by an independent Member in the other House and accepted by the Government. If the Ulster tenant holding under the Ulster custom on abandoning his tenant-right were allowed to claim, under the 3rd and 4th sections of the Bill, compensation for improvements and loss of occupation, although he doubted whether it would be justifiable, the landlords of Ulster might not object to it; but this consequence had followed from the Government changing their position in the progress of the Bill through Parliament, that they had a 6th section in the Bill before that alternative was introduced into the measure, and that 6th section remained there still. Section 6 was simply an elaboration of the custom of Ulster, providing that wherever there had been money paid on a change of tenancy, with the assent of the landlord, expressed or implied, then the Court might award to the tenant in respect of the sum so paid such compensation as it might think just. If they allowed the Ulster tenant to abdicate his position under the custom, he might claim under Section 6, and also under the 4th section in regard to improvements; he would be entitled to recover the sum he had paid, and also to run up a score for improvements. The money paid under the Ulster custom was a lump sum paid to get possession of the farm, and not paid in respect of improvements. But, as the Bill stood, the Ulster tenant would have his claim under Clause 6, *plus* his claim to improvements under Clause 4. Under these circumstances, it would surely be but fair to say that the Court should see, before it allowed the tenant to depart from his position under the custom, that his doing so would cause no injustice and no breach of contract towards his landlord.

LORD O'HAGAN said, that before he proceeded to consider the Amendment he hoped he might be allowed to say that he had looked from afar upon the Bill now before their Lordships with profound interest—he considered it by far the greatest measure, in his view, ever designed by the Imperial Legislature for the benefit of Ireland. He confessed, moreover, that he regarded it as a happy reversal of the policy of the past—as a great attempt at reparation by a noble people for wrongs inflicted and endured, and as a bright augury for that better future which he trusted was opening for that country to which he was bound by every tie. Any humble assistance, therefore, which he could offer to their Lordships in considering the Bill he would be only too glad to render, feeling convinced in his conscience that, if carried to a happy issue, and passed in substance undiminished, and in principle unaffected, the Bill would tend more than any other agency to establish peace and prosperity in Ireland, and thereby to strengthen the foundations of the Throne and consolidate the greatness of the Empire. Passing to the Amendment immediately before the House, he admitted to the noble and learned Lord that the provision under discussion was not contained in the original Bill, which allowed the Ulster tenant to rely only on his tenant-right. In the course of the discussion in the other House, however, it was found necessary to provide for certain cases—by no means anything like the majority of cases—in which the tenant-right had been ground down, and injustice would be done to the tenant if that right alone were afforded him. Of course, their Lordships ought jealously to guard against any injustice being inflicted on the landlord by that modification of the Bill; but the question was whether it would inflict any such injustice? In his judgment it would not. He concurred with the noble Earl (Earl Granville) that the Bill itself accomplished all the objects proposed by the Amendment of the noble and learned Lord; because it should be remembered, what was to be done under the Bill was to be done with the consent of the Court —a Court with ampler powers, perhaps, than any other that had ever before existed in Ireland. That tribunal would at once become a Court of Law and Equity, and would do right as best it could to the suitors who went before it; and its consent to an arrangement of that description ought to be a security against injustice. This was abundant security that no wrong would be done; for it was not to be supposed that the Court would sanction a claim of the tenant which involved injustice or breach of contract towards the landlord. The Amendment, therefore, appeared to him to be totally unnecessary to be inserted in the Bill as it now stood, and for that reason it ought to be rejected. Again, ought every breach of contract, large or small, important or unimportant, to deprive the tenant of his right? If so, great injustice would often be inflicted on him. Landlords would be induced to make contracts which were impossible to be performed, or easy at all events to be broken—a matter which was against public policy.

Lord CAIRNS said, that like his noble and learned Friend (Lord O'Hagan) he could not imagine it possible that the Court would allow the alternative to be taken by the tenant which would involve injustice or breach of contract towards his landlord; but by the clause as it stood they did not point out to the Court what its duty was to be. What he desired was that that they should inform the Court on what principles it was to proceed. It must be remembered that 33 assistant barristers were to be left without guidance to work out these difficult problems; and it was quite possible all the 33 might solve and decide them in different ways, according to their individual whims or caprices; for no principles were suggested or laid down to regulate their actions. He could understand the objection of the noble and learned Lord if he had said that the principle of the Amendment was bad, and that they were laying down a rule which ought not to guide the Court; but what he did say was that the rule was a good one, and that this was the very principle upon which the Court would act. In that case there could be no harm in adopting the Amendment. The noble and learned Lord said that under the terms of the Amendment the breach of contract which would deprive the tenant of his claim might be of the most trifling character. But that was not the question they were discussing. The question was whether, looking to the terms of his contract, an injustice or breach of contract towards the landlord might not be perpetrated if the tenant were allowed to abandon his contract and make his claim under an alternative rule. Those who opposed the Amendment were maintaining this proposition, that though, by exercising his right to an alternative form of claim, the tenant might be perpetrating an injustice or breach of contract towards his landlord, still he was to be allowed to make that alternative claim.

Lord WESTBURY said, the question involved was, whether a tenant holding under the Ulster tenant-right should be at liberty to waive that right and claim under the other clauses of the Bill? That, according to the noble Duke, he might be at liberty to do, provided his doing so involved no injustice or breach of contract towards his landlord. Now, under the Ulster custom, the tenant-right was part of the contract between the tenant and his landlord; and, therefore, the moment the tenant made a claim for compensation under the other clauses of the Bill, he would be told he could not claim in any way inconsistent with the contract between him and his landlord, and therefore he could not claim under the other clauses of the Bill. He gave the noble Duke great credit for his ingenuity in framing the Amendment, and his noble and learned Friend (Lord Cairns) great praise for having entered so warmly into the subject without explaining at all the nature of the Amendment.

The LORD CHANCELLOR said, his noble and learned Friend (Lord Cairns) had said that he (the Lord Chancellor) had laid it down in his speech the other night that every custom of a district was to be regarded as imported into the contracts made in the district. This was correct, but at the same time, however, he added another principle equally sound—that every man was to be supposed to enter into an engagement if he made a representation to another or did something upon the faith of which that other acted. Now, though it must be admitted that there was a fair observance of the Ulster custom by the landlords of the Province generally, yet there were some landlords who did not act fairly by the custom. Now, when the value of the tenant-right was cut down by the landlord was the tenant to be precluded from any redress? It must be presumed that the consent of the Court would not be given to a claim under the other clauses of the Bill, if it saw any device on the part of the tenant with a view to take an unfair advantage. But if the Amendment were adopted, the very men who most wanted protection, those whose tenant-right had been unfairly cut down by their landlords would be left without any remedy. They were told also that if any contract were found to be broken by the tenant the Court should not have the power to consent to his claim under the other clauses of the Bill, whereas these contracts formed the very evil they were trying to remedy.

The Marquess of SALISBURY said, he was glad to hear from the noble and learned Lord that one of the principles of the Bill was to upset past contracts altogether.

The Duke of ARGYLL hoped that a measure of so much importance and intricacy as this Bill was admitted to be, would be argued in a manner befitting such a question, and that noble Lords would not see anything very fitting in catching each other in logical traps. He understood that the noble and learned Lord, not without some scruple, allowed that the Ulster tenant might be permitted in certain cases to claim not under the Ulster custom, but under Clauses 3 and 4. But the Bill of the Government, as it stood, would not enable him to claim without the sanction of the Court; and the complaint he had to make against the guidance which it was proposed to offer to the Court was that it would be rather an impediment, and would not lead to unity of decision. Extravagant prices were sometimes given for goodwill, and the effect of the alternative would be to discourage this.

Lord CAIRNS said, he did not want to catch noble Lords in logical or other traps. He would suggest that instead of under "the clauses of the Bill" the alternative should be "under Clauses 3 and 4 dealing with disturbance of occupation and compensation for improvements." The difficulty arose from Clause 6; and with the present wording of the Bill the Ulster tenant would claim under Clauses 3 and 4, and also under Clause 6, which, as he had already said, embodied a kind of Ulster tenant-right.

Lord ORANMORE and BROWNE observed, that it was not accurate to say that the custom existed throughout the North of Ireland, for there were many estates in the North upon which it had never existed. Moreover, he would remind their Lordships that the Ulster tenant-right was, for the most part, of recent growth, and that, therefore, it was a false premise to argue upon to say that it had always existed under good landlords.

Earl GRANVILLE suggested that the Amendment should not now be pressed, but that the matter to which it referred should be considered upon the Report.

THE DUKE OF RICHMOND acceded to the suggestion.

Amendment (by Leave of the Committee) *withdrawn.*

On Question, That the clause, as amended, stand part of the Bill?

LORD CAIRNS said, that it had been said that those who supported this clause would be guilty of inconsistency if they afterwards found fault with Clause 3, because in legalizing tenant-right they would be legalizing claims frequently made not for improvements, but for occupancy and goodwill. Supposing that were so, the payments under this clause were in no respect analogous to those under Clause 3, and those who supported the one would be perfectly consistent in their objections to the other. The payments under Clause 1, though made for occupancy and goodwill, had been made not only with the consent, but frequently through the instrumentality of the landlord, who received out of them the arrears due to himself, the money being paid in nine cases out of ten in Ulster through what was called the office of the estate. Legalizing what already existed was perfectly sound legislation and altogether different from giving a bonus to tenants who never held before, and whose landlords had never consented to such a system.

Clause, as amended, *agreed to.*

Clause 2 (Legality of tenant custom other than Ulster custom).

THE EARL OF LIMERICK, in rising to move the omission of the word "prevails" in line 2, and insert "existed at the time of the passing of this Act," said, that the Amendment would not interfere with the legalizing of what already existed; but he submitted for the opinion of their Lordships the question as to whether the system of tenant-right ought to be established in those parts of Ireland where it did not so extensively prevail as it did in Ulster. Among the able speeches made on the second reading of this Bill, he would remind their Lordships that the noble Lord the Chancellor of the Duchy of Lancaster (Lord Dufferin) delivered an able exposition of the Ulster custom, in which, after likening the Ulster custom to an illegitimate child, he said that the child being there it must be protected. It was said that the Ulster tenant-right had been a benefit to that Province; but it had been a benefit to Ulster by contrast with a system which their Lordships by consenting to the second reading of this Bill had declared to be bad. By the Amendment the duties of the Judges would be narrowed, because they would only have to take cognizance of such customs as existed at the time of the passing of this Bill.

Amendment *moved,* in line 2, omit ("prevails,") and insert ("existed at time of the passing of this Act").—(*The Earl of Limerick.*)

EARL GRANVILLE said, the abstract merits of the Ulster tenant-right custom formed a matter very considerably debated; but, however much the custom might be criticized, little doubt could exist that as a system it had proved acceptable to a very large number of landlords and tenants; and their Lordships accordingly would be going out of their way in preventing the extension of the custom to other parts of Ireland, where it might also be found beneficial.

THE EARL OF GRANARD said, in his belief the extension of Ulster tenant-right to the whole of Ireland would be a very good thing, and that the custom had really a much wider existence than noble Lords were generally aware of. A statement had been prepared for him by his agent showing that upon estates in the counties of Wexford, Waterford, and Carlow holdings had changed hands subject to the incidents of this custom, the amounts paid by the incoming tenants varying from £700 to £210—in the latter case the buildings being in very bad order. Upon the estate of one of his noble Friends sitting near him such sales were very extensively made, and the prosperity of the district was in consequence vastly promoted. His noble Friend gave no trouble whatever to the incoming tenant, and thereby a feeling of great security was generated in the district. As an auctioneer some time ago expressed it, there was no more trouble in selling a farm under such a landlord than there was in selling a piece of tape across the counter. He hoped the Amendment would not be pressed.

THE DUKE OF RICHMOND also hoped the noble Earl would not press his Amendment. He would beg to point out to his noble Friend that at some future time it would be very difficult to discover what was the precise custom that existed "at the time of the passing of this Act." He should not at present press his other Amendments to this clause which were consequent upon Clause 1, and which had been postponed to the Report.

The Earl of LIMERICK said, he would withdraw his Amendment.

Amendment (by Leave of the Committee) *withdrawn.*

On Question, That the clause stand part of the Bill?

The Duke of MARLBOROUGH admitted that where tenant-right had been ground down to a minimum a tenant might fairly be allowed to claim a balance of compensation under "the other provisions of the Bill;" but he thought some words were needed plainly to define the cases in which this desirable remedy should be allowed.

The Earl of LICHFIELD, who had given Notice of an Amendment in line 19, after ("custom") add—

("Every future purchase of the Ulster tenant-right custom shall be evidenced by deed, and the deed shall be registered in the Court within one calendar month after its execution by the tenant")

said, he could not help thinking that some Registration Clause, providing for the registration of purchases of tenant-right would be a very desirable addition to the Bill, and that difficult questions must in time arise, if no record of purchases existed to which reference could be made. He did not, however, intend to move the Amendment.

The Earl of LEITRIM thought what the noble Earl had suggested would be extremely useful, and might easily be accomplished through the agency of the clerk of the peace.

The Earl of COURTOWN also approved the suggestion, which he hoped would be carried into effect.

Motion *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 (Compensation in absence of custom).

Lord DUNSANY moved, in page 2, line 23, after the words "he shall" to insert "on his quitting his holding." These words might appear to be mere tautology, but they were really of great importance. It was only on quitting the holding—being disturbed by the act of the landlord—that the evicted tenant was to receive compensation, and his object was to ensure that the tenant should not get his compensation until he had actually quitted his holding. The landlord would pay the money into Court, and eviction would not really be made till after the payment of the money.

Amendment *moved,* in line 23, after the words ("he shall") insert ("on quitting his holding").—(*Lord Dunsany.*)

Earl GRANVILLE admitted the case was very much as stated by the noble Lord, and he would consider the matter before the Report.

On Question, *Resolved* in the *Negative.*

Amendment *moved,* in line 28, to leave out after ("holdings") to ("at") in line 29, and to insert ("rented").—(*The Marquess of Clanricarde*).

The Duke of RICHMOND asked, why it was the Government had adopted a different principle in the provisos relating to compensation. In one set of circumstances the compensation was based on valuation, and in another on rent.

The Earl of KIMBERLEY said, the scale had been framed in the present form because it seemed more fair to all parties, and particularly to the tenants of small holdings.

Lord CAIRNS supported the Amendment. He thought it a singular proposition that greater compensation should be obtainable in the one case than in the other.

The Marquess of CLANRICARDE thought the clause a great anomaly. It reminded him of the tradesman who had two sets of weights and measures—the one false and the other true. Rent was the proper basis of the scale for compensation.

Lord DUFFERIN supported the clause.

The Earl of BANDON thought great practical difficulty would arise if valuation and not rent were adopted as the basis of compensation.

Amendment *negatived.*

The Duke of RICHMOND said, that in advocating the second reading, his noble Friend (Earl Granville) laid down the proposition that one of the main objects of the Bill was to protect the small tenants of Ireland. He (the Duke of Richmond) believed that those tenants were the tenants rated at £4 and under, because they were exempted from the payment of poor rates. By the Bill it was proposed that the highest scale of compensation—seven years' rent—should be given in the case of holdings valued at and under £10. He proposed that it should be given in the case of holdings valued at and under £4. In cases where the valuation was above £4 and under £10, he would give compensation not exceeding six years' rent. The next figure after £10 in the scale as it now stood was £30. The jump from £10 to £30 was too great. He, therefore, proposed that in cases where the valuation was above £10 and under £20 the compensation should not exceed five years' rent; and that in cases where the valuation was above £20 and under £40 it should not exceed four years' rent. The rest of the scale he left as it stood in the Bill. He now moved the omission of the figure "£10" with the view of inserting "£4" in the first line of the scale.

Amendment *moved*, in line 31, leave out ("£10") and insert ("£4").—(*The Duke of Richmond.*)

Lord GREVILLE hoped their Lordships would not alter the scale provided in the Bill. The noble Duke was quite right in saying that the small tenants were those who principally required protection; but the tenants rated at £4 and under would come under No. 1 in the scale as it stood. He regarded this clause as, if not the most important, certainly one of the most important in the Bill. The majority of the landlords at present did what this clause would compel all landlords to do; and such legal compulsion was necessary, because there were some proprietors who did not recognize their duty in the matter of compensation.

The Earl of CLANCARTY thought that neither the scale of the Government nor that proposed by the noble Duke was a satisfactory arrangement. It should be recollected that there were poor landlords as well as rich in Ireland, and that the former could not afford to pay extravagant amounts of compensation to get rid of obnoxious tenants.

The Earl of MEATH said, all he desired was to constitute a fair scale of compensation. He had himself given notice of an Amendment varying the scale, much in the sense proposed by the noble Duke, and he should therefore support the noble Duke's proposition and withdraw his own.

The Earl of BESSBOROUGH said, he did not think it would be worth while for the sake of a few pounds, to alter the scale. He thought it would make but little difference to the landlords, for the tenant under £4, if evicted, was likely to become a labourer, but the tenant of a higher amount was not so likely to do so.

Lord ATHLUMNEY ventured to say, that the scale whatever it might be, would be seldom called into action. To suppose that if the occupier of a moderate portion of land conducted himself well and paid his rent his landlord would immediately proceed to evict him was much the same thing as saying that the landlords of Ireland did not know how to manage their affairs. But that scale was principally intended to protect the smaller class of tenants, and he hoped and believed it would have that effect, although he thought it would be rarely used. A great deal might always be said against any scale of that description; it was very difficult indeed to frame it, and very easy to find fault with it. They could scarcely devise any scale to which some objection might not be taken, or in which some improvement might not be made. He could imagine a case in which the scale proposed by the Bill would press hardly on a poor tenant. Take the instance of a tenant paying a very small rent indeed—perhaps paying it in shillings. When it was remembered that the most they could offer him for leaving his holding was seven years' rent, he thought that any humane man would go beyond the scale. He had intended himself to propose that it should be in the power of the Court, if it so deemed fit, without any reference to the rent paid by such a tenant, to give a compensation not exceeding £5. But he should withdraw his own intended Amendment, as other noble Lords had done with theirs, because he did not wish to endanger the Bill; and he thought it would be better to adopt the scale as it stood.

The Earl of BANDON objected to the scale in the Bill, not so much with reference to the lower class of tenants as with reference to the higher class. It was universally admitted that the object of the measure was to deal with the poorer class of tenants. He thought the scale was so high that it would prevent the tenants from taking leases in future. The tenants would consider whether they would take leases or whether the scale under the Bill would not be more advantageous. But, instead of the small tenants needing protection, it was the labourers of Ireland who required to be protected from the farmers. From his experience he could say that a great deal of the emigration which had occurred was owing to the treatment which the labourers received at the hands of the farmers. But, unfortunately, the labourers had not the same influence as the farmers had to get persons to advocate their claims, and therefore they were left unprotected.

EARL RUSSELL supported the scale of compensation as it stood in the Bill, and which had received the sanction of the other House. Take the case of a man who occupied a farm at £10 for 10 or 15 years, but made no improvements, because to do so would require skill, capital, and labour, and the man had neither skill nor capital. He had industry, however, and he cultivated his farm without making it either better or worse. If at the end of that time the landlord wished to throw three or four of these small holdings into one, because he desired to see a good farm-house and good farm buildings on the land, and the tenant was put out, he would have no right as the law stood to claim any compensation. The landlord, upon giving him notice to quit, would, probably, give him good compensation, though the tenant could not claim it as a right; and the question was, whether they could defend that state of the law. The tenant had lived long on the land, and employed all his labour and his best means in its cultivation, and it would be a very great loss to him to be turned out—especially in a country like Ireland, where it was not easy to get other employment. In such a case he would say that on all grounds of justice the tenant ought to have a claim upon the landlord, and if the landlord was not willing to pay compensation he ought to be compelled by law to do so. It appeared to him that it would be unwise if their Lordships were to cut down the scale proposed in the Bill. It must be always borne in mind that the greater number of Members of their Lordships' House were more connected with the ownership of land than the Members of the other House, and if they sent this Bill to the House of Commons saying that the landlords were not sufficiently favoured, a grievance would be felt at the expense of that House. He should give his assent to the scale as it stood; and ventured to say it would not be prudent for their Lordships to make any alteration in it.

THE MARQUESS OF SALISBURY said, that whenever their Lordships had a principle before them it was said it was not their business to interfere with the principle, and when they had details before them they were told it was not their business to interfere with details; so that between the two the functions of their Lordships' House was somewhat limited. A noble Lord who did not often speak in that House (the Earl of Bessborough), but who usually discharged a more useful function, had given as his ground for objecting to any reduction of the scale that a man with a holding of £8 would be in a worse position if turned out than a man with a £4 holding, because the latter could go to honest labour, while a feeling of pride would prevent the former from doing so. Therefore when a man was turned out he was condemned—not to the alternative of America or the workhouse — but of America, the workhouse, or honest labour, and it was on these grounds they were asked to put their hands deeper into the landlords' pockets for compensation. He detested the whole principle involved in such a course of legislation. As far as existing contracts were concerned, he objected to this clause; and he would as far as possible limit its operation for this reason—that it appeared to be an invasion of the rights of property, for which no sufficient defence could be given. The only attempt at defence was on the ground of the extreme poverty of the tenants. That being so, they ought to make a special class of those whom the law already exempted from the payment of poor rates. That exemption having already been made, furnished, to his mind, sufficient justification for drawing the line between that class and the class above. If this had been proposed simply as an eleemosynary measure, it would have been objected to on the ground of principle; for feeling would probably have overcome principle in such a case; but the attempt to extend this compensation to a class of tenants whom it was simply ridiculous to call poor was objectionable in point of principle and ought not to be listened to by the House.

The Earl of LEITRIM, in reply to the charge that the small Irish farmers were averse from labour, and were paupers as a rule, bore testimony to their industry as a class, adding that it was a well-known fact that some of them were able to give large fortunes to their daughters, and frequently left money enough to become matter of dispute in the Court of Probate. He contended that the principle of this clause was unjust, and that its effect would be detrimental to the interests of landlord and tenant alike. He thought, moreover, that the tendency of the clause would be to prevent the tenant from exerting himself for the improvement of the land.

Viscount HALIFAX said, that the questions raised by the noble Marquess (the Marquess of Salisbury) did not arise on this clause. The House had already accepted the principle of compensation for disturbance as tending to prevent wanton evictions on the part of the landlord; and the question was how to carry that principle into practice, so as to give effect to that intention. He apprehended that nobody would deny that tenants of the lowest class were most likely to be evicted, and he thought the Amendment proposed by the noble Duke would deprive the Bill of its efficiency, because it would withdraw from its operation the very class that most required protection.

The Marquess of CLANRICARDE said, the principle of this clause was acknowledged to be an invasion of the rights of property by the Government, by the House of Commons, and by those who introduced the measure in that House. Yet the House had agreed to give compensation with certain limitations, because it was seen that the state of Ireland required some departure from the rules of political economy. Yet it seemed to him that the Bill proposed an invasion of the rights of property which was not justified by the necessity of the case; because, although the interference was limited, it was not limited to a sufficient extent. He quite agreed in the opinion that the House should pay most attention to the lower end of the scale, although it might limit the application of the upper portion. He thought the compensation proposed to be given to those whose rents were on a higher scale amounted to a partial confiscation of the landlord's property. It was absurd to say that the upper class of farmers, whose rents it was well-known had not risen in proportion to their profits, had a claim to charity.

*The Marquess of Salisbury*

Earl RUSSELL: It is justice, not charity.

The Marquess of CLANRICARDE said, he was unable to see the justice of giving a man who had taken a farm at a low rent when prices were not so high nor farming so lucrative as at present, compensation when he gave up his farm after having made a very lucrative profession of it and cleared large profits. He was anxious, however, to put an end to cruel evictions such as had taken place in some parts of the country, and to accomplish that was prepared if necessary to make sacrifices of principle. At the same time he could not but think that a bad method had been adopted in dealing with this subject, for the requisite protection might be given to the smaller tenants without so great an infraction of the principles of sound economy. There was another objection to this clause. The scale as it now stood would compel landlords to consolidate their farms. He believed that the landlords would not treat their tenants with immediate severity because of the passing of this Bill; but he would ask their Lordships if they knew of any instance where landlords or other capitalists, being offered a course which would lead directly to their advantage, did not in the long run adopt it? A great mistake had been made in regard to the higher part of the scale; but he should be glad to support the lower part, which gave compensation to people holding under £10.

The Duke of ARGYLL said, he wished to make an appeal to the noble Marquess (the Marquess of Salisbury). No one delivered a fairer speech on the second reading, or made greater admissions as to the necessity of legislation for Ireland than the noble Marquess. His noble Friend, amongst other things, was endowed with an abundant amount of honesty, and he had just stated his objections to the clause in very energetic terms.

The Marquess of SALISBURY explained that he wished to apply the clause to future tenancies.

THE DUKE OF **ARGYLL** said, that if the Legislature were to limit the operation of this clause to the future tenancies in Ireland, leaving existing holders out of the question, very little would have been done towards allaying the discontent now existing in parts in Ireland other than the Province of Ulster—where, in fact, no political discontent existed, though, as a matter of political necessity, the local custom had been legalized. He wished to call attention for a moment to a passage in the preface to the Digest of the Devon Commission. Of course the Digest had not the authority of the Report; but it was written by the Secretary, an able man, fully acquainted with the subject. He stated an emphatic opinion that the discontent, disaffection, and crime in Ireland resulted from the desire and efforts of the tenantry in the South and West to possess some such privilege as was allowed in the North of the country. If, then, their Lordships did not provide a substitute in those parts for the Ulster custom they would fail to deal with the great cause of Irish discontent. A noble Lord who had spoken in the debate on the second reading expressed an opinion that if a Bill providing compensation for improvements had been passed half-a-century ago, the difficulties of the Irish question would never have been known. With that view he was disposed to agree; but the result of such a measure not having been passed had been that tenant had succeeded tenant on the farms, and, having made improvements without expecting to be compensated, felt a sense of right in their holdings. This being the case, he submitted that though landlords in the South and West of Ireland had in several ways given their tenants the expectation of a contingent enjoyment in their holdings, such as would to a great extent supply the place of the Ulster tenant-right, the existing evils could not be effectually dealt with unless compensation was afforded to existing tenants as well as to those who might hold in the future. He trusted the noble Marquess would cordially accept the principle of the clause, and, having accepted the principle, he did earnestly hope that the House of Lords, which was mainly composed of landlords, would not be found haggling about one or two years' compensation, more or less, for the poorest class of tenants in Ireland. The scale of compensation proposed was largely within the Ulster scale, and was certainly not excessive in amount. In fact, it would become an excellent investment for landlords to buy out their tenants upon this scale with a view to the consolidation of farms, while the poor people would put a considerable sum in their pockets, perhaps enough to carry them to America or to stock another farm.

EARL **GREY** said, he should vote in favour of the Amendment of the noble Duke.

On Question, That ("£10") stand part of the Clause? their Lordships *divided:*—Contents 71; Not-Contents 92: Majority 21.

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*Resolved* in the *Negative.*

Then ("£4") inserted instead thereof.

Amendments made, line 32, after ("rent") insert ("above £4 and not exceeding £10, a sum which shall in no case exceed six years' rent"); line 33, leave out ("£10") and insert ("£4"); leave out ("£30") and insert ("£20").

THE EARL OF CLANCARTY moved the omission from the Bill of that portion of the scale giving compensation in cases where the valuation is from £40 to £50; but, on the recommendation of the Duke of RICHMOND, the noble Earl withdrew his Amendment.

THE EARL OF LICHFIELD said, it was clear that the number of years' rent to be paid as a penalty by the landlord for evicting the tenant ought not to include any part of the rent which represented the interest on the landlord's outlay. Take the case of a holding valued at £30 a year. Suppose the landlord had laid out £200 in building a house for the tenant, increasing his rent to £40 a year. On eviction as the clause stood the tenant would be able to claim four years' rent at £40, and the landlord would have to pay a penalty of £40, representing the interest for four years on the £200 he had himself laid out on his property. That would be simply making the landlord pay a penalty for providing his tenant with a better house. He might be told that the case would be met by the Equities Clause; but he did not think any such thing should be included in the Equities Clause, which was already very heavily weighted, as a very great deal of responsibility was thrown by it on the Court. The principle for which he contended ought to be laid down in Clause 3; and if left to be dealt with merely under the Equities Clause, he was convinced its effect would inevitably be to offer a direct discouragement to landlords making outlays on their property, especially as in the case of all holdings under £50 the landlord would not have power to contract. He had given notice of an Amendment to meet this case which he would now move.

Amendment *moved*, at the bottom of page 2, add in a separate paragraph—

> "If it shall appear to the Court that during the tenancy in respect of which compensation is claimed under this section the landlord or his predecessor in title has within the twenty years preceding expended money in improvements on the holding, and the rent has been increased in consequence of such expenditure, the rent by reference to which compensation shall be assessed under this section shall be the actual rent after deducting the annual sum by which the same has been increased in consequence of such expenditure, but so that the annual sum thus deducted shall not exceed interest after the rate of £5 per cent per annum on the sum expended; and whenever there shall appear to have been an increase of rent since the expenditure in improvements by the landlord or his predecessor in title, it shall be presumed, in the absence of evidence to the contrary, that the increase was in consequence of the expenditure."—(*The Earl of Lichfield.*)

LORD ORANMORE AND BROWNE supported the Amendment, which would meet cases of hardship that would otherwise arise under the clause. He instanced the case of a property of his own, from which he received £300 a year nominally, but virtually £235; yet under that clause he would have to pay compensation not on the £235 net which he received, but on the nominal rent of £300.

EARL GRANVILLE said, his noble Friend (the Earl of Lichfield) had anticipated the answer he had to give to his argument—namely, that the Equities Clause would meet all the requirements of the case he had stated.

LORD CAIRNS had not the faintest idea how the matter was to be met by the Equities Clause.

THE LORD CHANCELLOR said, that under the Equities Clause either party might urge before the Court any objection or plead any set-off to the claim put forward, and the Court had full power to consider it and decide accordingly. If the tenant claimed on a rent which was compounded partly of rent proper and partly of interest on the landlord's own outlay, the Judge would have regard to that circumstance, and on account of that equitable consideration would give the tenant less than the maximum compensation.

LORD CAIRNS said, the tenant would make a claim showing affirmatively what loss he had sustained. When that loss reached a certain point the Court was then obliged to apply the maximum scale, and to say that it could not go beyond that. It was to that claim only that the set-off could be pleaded.

THE EARL OF LICHFIELD said, he did not think the Equities Clause would meet the case, and he objected to the matter being left to the discretion of the Court. It ought to be laid down fairly in the 3rd clause.

LORD O'HAGAN said, there was no doubt a maximum fixed by the scale which would have to be regarded; but the landlord would be entitled to plead as a set-off against that maximum that he had expended certain sums of money, and if his plea were established by facts he would be allowed to make a deduction from the tenant's demand.

THE MARQUESS OF SALISBURY said, that no real answer had been given to the objection taken to the clause. The landlord's claim to a set-off must have some relation to the claim of the tenant. The amount of the tenant's probable loss, through losing his occupancy, would not be affected by the amount which the landlord had previously expended on the farm. What was the ground on which the tenant was to have that money paid to him? When they knew that, they would know what the set-off would be. Sometimes the compensation money was called a fine, sometimes it was a payment for loss of occupancy, and sometimes it was money to keep the tenant out of the workhouse or to take him to America. In that uncertainty, it was impossible to tell whether any consideration was or was not a set-off against his claim.

EARL FORTESCUE supported the Amendment. The fact that a controversy had arisen in that House on the meaning of the clause was an unanswerable argument in favour of the Legislature making that meaning clear, instead of leaving the matter in its present state of uncertainty.

THE EARL OF KIMBERLEY said, the object of the clause was to prevent evictions, and to give the tenant compensation for loss of occupancy. The tenant had agreed to a certain rent, whatever might be the state of the farm, and that rent was taken to be a fair measure, on the whole, of the loss which the tenant might sustain.

THE EARL OF DERBY said, if they were to be liable to the claim in question, which was an entirely new claim, let them have some idea not only of what they were to pay, but of what it was for. As the clause stood, the tenant was entitled to compensation for the loss sustained by him in quitting his holding. The man might be a thriftless, idle, bad farmer, who had never made an improvement, and never would; he might have a wife and large family, and would probably never get a farm anywhere else. On the contrary, if it was a man of a different character that was ejected, he might easily find a holding anywhere else. Was it really contended that these two men were to be compensated relatively to the loss they sustained; or, in other words, that the bad tenant would receive a higher rate of compensation than a good one? That was the natural construction to put upon the clause, though no doubt it was an absurd one.

THE EARL OF LICHFIELD looked upon the clause as a penalty for eviction rather than compensation for loss of occupancy; and, therefore, he objected to include that part of the rent which represented the landlord's outlay in improving the farm of the tenant.

THE EARL OF LONGFORD said, that justice was alleged as one of the reasons for this Bill. But justice had no more to do with it than the wooden horse had to do with the Reform Bill, though it had been found convenient in supplying quotations.

EARL GREY supported the Amendment. What they professed to want to do was to encourage the improvement of the land in Ireland. Now, it appeared to him that if they refused this Amendment, they would place a penalty upon the landlord who borrowed money for the improvement of his land, because there would be greater compensation than would have been allowed if the land had remained in an unimproved state.

THE LORD CHANCELLOR contended that the Amendment, if passed, would frustrate, in a great measure, the benefits to be derived from the Bill, and would lead to a vast amount of litigation. The Amendment said—

> "If it shall appear to the Court that during the tenancy in respect of which compensation is claimed under this section the landlord or his predecessor in title has within the twenty years preceding expended money in improvements on the holding, and the rent has been increased in consequence," &c.

He could understand the landlord saying—"I will expend so much money on the land, and you will pay me 5 per cent additional by way of interest." But if the landlord never said a word to the tenant why he had increased the rent, then he would say that they were holding out what would prove an idle boon to the tenant; for, by the Amendment, they were entirely frustrating the beneficial operation of the clause.

THE EARL OF LEITRIM supported the Amendment.

THE EARL OF KIMBERLEY hoped the Amendment would not be agreed to. As the Amendment ran, money spent by any predecessor in the title might be made a set-off against the claim of the tenant. He could not conceive any proposition more extravagant. The tenant took land in a certain condition, not knowing that the improvements he should make would be met by counter claims. That seemed to him to strike at the very principle of the Bill.

THE EARL OF CARNARVON suggested that an objection previously taken to the Amendment might be met by inserting some limitation as to time.

THE MARQUESS OF SALISBURY recommended, in order to enable the Committee the better to decide on the principle of the clause, that only the first few words should be put at first.

EARL GRANVILLE suggested to the noble Earl to withdraw the Amendment, take further time for consideration, and re-introduce it subsequently if necessary.

THE EARL OF LICHFIELD said, he had heard nothing which proved there was anything objectionable in the Amendment, or that the tenant would suffer any wrong by it. It did not signify when the landlord made the outlay. Under no circumstances under the clause as it was now worded could the tenant have deducted from the compensation awarded to him by the Court a greater sum than represented the mere yearly interest of the outlay which the landlord could prove he had made upon the property.

After a few words from Earl GREY,

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Poltimore, L.
Ponsonby, L. (*E. Bessborough.*)
Rossie, L. (*L. Kinnaird.*)
Sandys, L.
Saye and Sele, L.
Stanley of Alderley, L.
Sudeley, L.
Suffield, L.
Sundridge, L. (*D. Argyll.*)
Vaux of Harrowden, L.
Wentworth, L.
Westbury, L.
Wrottesley, L.

*Resolved* in the *Affirmative.*

The Duke of RICHMOND *moved* to omit, page 3, lines 1, 2, 3—

> "Any tenant in a higher class of the scale may, at his option, claim to be compensated on so much only of his rent as will bring him into a lower class."

He proposed that these lines should be struck out, on the ground that they were contrary to the principle of the scale, inasmuch as under their provision the lower rate would get a higher compensation than the higher rate.

The Earl of KIMBERLEY was prepared to admit that the clause required explanation; but though at first sight the provision would appear to bear the construction put upon it, on examination it would appear that the apparent anomaly did not exist, and the adoption of the Amendment proposed by the noble Duke would cause still greater anomalies. For example, if the Amendment were adopted, a tenant having a holding valued at £100 might obtain £200 compensation; but a tenant whose holding was only of the annual value of £101 could only obtain £101 as compensation.

Lord CAIRNS thought the scale of compensation should be regulated by the rent, and not by the valuation of the holding.

The Earl of KIMBERLEY was quite prepared to admit that, in reducing the claim as to the rent, care must be taken to consider the question of valuation.

Lord CAIRNS observed, that the clause, as it stood, did not provide for this; and pointed out that, but for the Amendment of the noble Duke, the House would have approved three lines of perfect and unmitigated nonsense.

Earl GRANVILLE also contended that the adoption of the Amendment would introduce much greater anomalies than could at present be said to exist in the measure. He deprecated the introduction of these petty criticisms. He thought it was an error to go into such minute details.

LORD CAIRNS thought there was no course open but to pass the Amendment. If, however, the Government would undertake to propose a substitute for the omitted lines, the House would gladly examine and, if possible, approve such proposition.

EARL GRANVILLE said, the Government would endeavour to frame words which would obviate the objections taken to the proviso.

Amendment (by Leave of the Committee) *withdrawn.*

THE EARL OF CLANCARTY moved to omit the first two paragraphs in page 3.

THE MARQUESS OF CLANRICARDE said, that as he had given Notice of an Amendment in the second paragraph proposed to be omitted, it would be more regular to dispose of it before moving the omission of the paragraphs. He moved, in page 3, line 9, to leave out "and reclamation of waste land." It was extremely difficult to define what "waste land" in Ireland really meant. Was it bog land? What would be meant by reclaiming it? Why, digging it for fuel. Under the proviso more compensation might be claimed for the reclamation than the fee simple was worth. He hoped the Government would consent to omit those words from the clause.

Amendment *moved*, line 9, to leave out ("and reclamation of waste land").—(*The Marquess of Clanricarde.*)

LORD DUFFERIN said, that these were improvements which were effected almost entirely by the labour of the tenant, and the adoption of the Amendment would inflict an injustice on a class of tenantry whose interests deserved to be carefully guarded. At the same time, the rights given by the proviso should be very carefully considered. He trusted their Lordships would retain both paragraphs.

LORD ORANMORE AND BROWNE mentioned an instance where land had been reclaimed in consequence of the tenants digging up the turf which they used for fuel. He wished to know whether they ought to receive compensation?

*Earl Granville*

THE MARQUESS OF CLANRICARDE said, they might just as well compensate men who cleared land by cutting down a forest for their own purposes.

THE EARL OF KIMBERLEY thought if any persons were entitled to compensation, it would be those who, by clearing away the timber, saved the landlord the great expense of preparing the land for cultivation.

LORD ORMATHWAITE believed that this provision of the clause would lead to interminable litigation and confusion, and would discourage the efforts which landlords were making in Ireland to reclaim land to assist their tenants.

THE DUKE OF RICHMOND suggested that his noble Friend (Earl Granville) should undertake to consider whether he might not be able to add words to the clause which would define the matter more exactly than it was defined in the clause. If his noble Friend did so, he would vote against the Amendment.

EARL GRANVILLE said, the Government would consider the best means of doing so.

Amendment (by Leave of the Committee) *withdrawn.*

Amendment *moved*, line 4, to leave out from ("that") to ("1") line 11, and insert—

"No compensation under this section shall be allowed to any tenant under notice to quit for any of the following causes:

For exhibiting to the neighbourhood an example of habitual drunkenness, vice, or immorality, or for having after the passing of this Act been convicted of felony or misdemeanour."—(*The Earl of Clancarty.*)

LORD DUFFERIN opposed the Amendment, which he thought quite unnecessary. Under the Equities Clause, the Court would take into consideration any "unreasonable conduct" on the part of the tenant.

THE MARQUESS OF SALISBURY said, he sincerely pitied the first Judge who had to interpret the Equities Clause; but he entreated the Government to consider whether some words ought not to be inserted in that clause which would enable the Court to pay some regard to the repute or character of the persons claiming compensation for eviction. The general words "unreasonable conduct" would hardly effect that object.

Lord CAIRNS concurred in this suggestion, and recommended his noble Friend not to press his Amendment.

Amendment *negatived.*

Another Amendment *moved—*

"Provided also, that when a landlord serves a notice or notices to quit in order to make a change in the distribution of his land, requisite for the improvement of the estate, no tenant under such notice shall be entitled to compensation under this section unless he can show that he will be a loser by the change proposed to be made."—(*The Earl of Clancarty.*)

Lord DUFFERIN opposed the Amendment as unnecessary, its object being already met by the Bill.

Amendment *negatived.*

The Duke of RICHMOND proposed to insert words with respect to con-acre which would make the clause much the same as when the Bill was first introduced. There were two systems of con-acre—a bad system and a good one—and no good landlord would refuse to allow con-acre in those cases in which it was useful. He should propose that the consent of the landlord in writing should be given.

Amendment proposed, line 21, after ("thereof") insert ("or lets the same or any part thereof in con-acre").—(*The Duke of Richmond.*)

Earl GRANVILLE said, that con-acre was one of those habits which were partly good and partly bad. To labourers, who had manure and labour to spare, the system was often found very useful. In a great many parts of the country the labourers, on the whole, derived a balance of advantage from it.

The Earl of LEITRIM said, the pernicious system of con-acre was most pernicious where old grass lands were broken up for potatoes, for which very little manure was required. That was robbing the land. If con-acre was allowed at all, it should be solely on condition that the ground was effectually manured. It was simply a question of manure.

Earl GRANVILLE suggested that con-acre should be allowed unless where the landlord objected.

The Earl of KIMBERLEY said, his noble Friend's proposition was that the consent of the landlord should be assumed unless he objected.

The Duke of RICHMOND was inclined to accept the alteration, as his object was the same as that of the noble Earl.

Lord CAIRNS said, that as there were 600,000 holdings in Ireland, to demand a prohibition from the landlord would involve the serving of 600,000 notices against con-acre. As, however, not more than one-tenth of this number would desire to put their land into con-acre, it would be better for the tenant, desiring to con-acre, to ask permission of his landlord, and thus avoid the serving of so many notices—notices which could not fail, too, to be frequently irritating to such tenants as had no desire to con-acre their land.

The Earl of KIMBERLEY was understood to say that, considering that the penalty attached to the unauthorized practice of con-acreing was so heavy, it would be better that the prohibition should come from the landlord than the consent be asked by the tenant.

The Earl of CLANCARTY maintained that hitherto it had been the custom of the tenant, when desirous of con-acreing, to apply to his landlord—a practice from which it was not advisable to deviate.

On Question, Whether to insert? their Lordships *divided*:—Contents 142; Not-Contents 108: Majority 34.

*Resolved* in the *Affirmative.*

The Duke of RICHMOND said, that he had placed on the Paper the following Amendment in Clause 3, to insert:—

"And in case of any assignment otherwise than by operation of law, the assignee shall not be entitled to any compensation under this section unless and until he shall have been accepted as a tenant by the landlord;"

but he had now somewhat altered his Amendment by omitting the words—"otherwise than by operation of law," his reason being that if the six words just mentioned were allowed to stand, and were carried, the assignee under an insolvency might be appointed tenant, even though he were distasteful to the landlord on account of being a careless or unskilful farmer, or from any other reason. The clause, as it stood, would take away from the landlord the power he now had of selecting what tenants he wished on his estate. The tenant, by the assignment of his holding, might put a most objectionable person in possession, and the only effect of the Amendment would be that the substituted tenant would not, in case of eviction, be entitled to compensation unless he had been accepted by the landlord. If he were a good tenant and a good farmer he would, no doubt, be at once accepted by the landlord, and become entitled to all the benefits provided in this Bill. The words of the Amendment were very simple, and he hoped their Lordships would adopt it.

Amendment *moved*, line 24, after ("Section") insert—

("And in case of any assignment of a tenancy the assignee shall not be entitled to any compensation under this section unless and until he shall have been accepted as a tenant by the landlord: provided that a devolution under a will or upon an intestacy or marriage shall not be deemed an assignment under this section").—(*The Duke of Richmond.*)

THE DUKE OF MANCHESTER considered the Amendment a very desirable one.

EARL GRANVILLE proposed, by way of compromise, to recognize the tenant's right of assignment; but so far to restrict it that it should not be available where there were arrears of rent, or where it was contrary to the custom of the estate; and it would be necessary for the tenant to prove that the new tenant was a proper and sufficient person to take the holding. The Government, after full consideration, proposed this modification of the clause, and he hoped it would be accepted by their Lordships.

LORD CAIRNS protested against a provision which was objectionable to right feeling. The Amendment of his noble Friend would not derogate from the right of assignment, but would tend to render it more equitable in its operation. The proposition contained in the clause requiring the assignee to show that it had been a habit on the property to permit assignment was merely a circuitous mode of arriving at the result which would be attained by the Amendment. Another condition was that the assignee must prove that he was a sufficient tenant; but that was a point for the landlord to decide. The effect of the clause, as it stood, would be that an objectionable tenant, to whom the landlord would never dream of letting a farm, might obtain possession of a holding, and when the landlord took steps to protect himself that tenant would come forward and demand compensation for improvements, although he had never been accepted by the landlord. If the assignee had been accepted by the landlord he ought to have compensation. If he had not been accepted by the landlord he was not entitled to compensation. That was the principle on which the Amendment of his noble Friend was based.

THE EARL OF LICHFIELD suggested that the object of the noble Duke might be attained by an Amendment which he (the Earl of Lichfield) had already placed upon the Paper, providing that compensation should not be given in case of assignment against the wish of the landlord, unless the Court had decided that the landlord's objection was unreasonable. In the second part of the Bill—that which related to the sale of land to tenants — assignments without the leave of the Court were prohibited.

THE MARQUESS OF CLANRICARDE suggested that the noble Earl (Earl Granville) should put in writing his proposal for meeting the difficulty.

THE DUKE OF RICHMOND wanted the landlord to have a voice in the matter. If he approved the assignee compensation ought to be given to the latter where a tenant was entitled to compensation. If the landlord did not approve the assignment, no compensation ought to be given to the assignee.

EARL GRANVILLE would have been willing to consider the wording of the clause; but as it was evident the noble Duke would give a veto to the landlord, there was no use in postponing a decision on the Amendment.

LORD ATHLUMNEY thought that to give the landlord the power to take unreasonable objection to a person proposed to him as an assignee by his tenant was going too far.

THE EARL OF HARROWBY thought they ought to be careful how they gave a landlord an interest in depriving the tenant of the boon which Parliament intended to confer on all the tenants of Ireland. If the assignment were an innocent, natural, and legitimate transaction, it would be putting too much power in the hands of the landlord to allow him to say absolutely that he would not accept the new tenant. That would be like holding out an inducement to him to refuse his assent in order to escape the payment of compensation.

**The Duke of MANCHESTER**, on the other hand, thought the owner of land ought not to be subject to have a tenant imposed on him against his will. That would be to deprive him of the power of discharging his moral and social duties in the selection of the persons who were to cultivate the land so as to produce sufficient food for the people and employ the labourer. It was a common practice in leases to reserve to the landlord the right of approving or rejecting the tenant to whom the lease might be assigned.

**Viscount HALIFAX** suggested, as an addition to the Amendment of the noble Duke, that the assignee should not be entitled to compensation unless it could be shown to the satisfaction of the Court that there was a just reason for refusing to accept the assignee. If the assignee satisfied the Court that he was not an improper tenant, in that case the landlord should be at liberty to get rid of him if he pleased; but, nevertheless, he should be bound to pay him compensation. It would not be fair to give the landlord an absolute veto.

**Earl GRANVILLE** was willing to propose an Amendment in reference to tenancies assigned without the assent of the landlord; but intimated that its precise terms would require careful preparation.

After a few words from Earl Grey,

**Earl STANHOPE** regarded the clause as one of the most important provisions of the Bill, and thought a very strong case had been made out for an adjournment.

**The Duke of RICHMOND** said, he did not wish their Lordships to separate under the idea that they were very nearly agreed upon that clause, because that was not really the case. He hoped his noble Friend would have the clause which he intended to propose in substitution for the Amendment drawn up at an early hour to-morrow.

House *resumed;* and to be again in Committee *To-morrow.*

House adjourned at One o'clock A.M.,
'till Seven o'clock.

# HOUSE OF COMMONS,

*Thursday, 23rd June, 1870.*

MINUTES.]—Supply—*considered in Committee*—Civil Service Estimates, £765,550 further on account.

Public Bills—*Second Reading*—Cattle Diseases (Ireland)* [174]; Curragh of Kildare* [175].

*Committee* — Elementary Education (*re-comm.*) [167]; Gun Licences [134]—R.P.

*Report*—Pier and Harbour Orders Confirmation (No. 2)* [154-178].

*Third Reading*—Dividends and Stock* [158]; Larceny (Advertisements)* [159], and *passed.*

## CAB FARES.—QUESTION.

**Mr. CRAWFORD** said, he would beg to ask the Secretary of State for the Home Department, Whether the "Course" system for the ascertainment of Cab Fares within the Metropolis, as proposed by Mr. Hadden, C.E., has been considered with a view to its adoption or otherwise?

**Mr. BRUCE**: Sir, Mr. Hadden's plan was very carefully considered at the time the cab regulations were issued, together with some ten or a dozen other schemes, some of which were almost as ingenious as Mr. Hadden's, and all of which had a good deal to recommend them; in fact, I am not prepared to say whether that scheme or some other might not be adopted to fix the fares and distances in preference to the plan at present in use. That scheme, however, was incompatible with the experiment about to be tried in the metropolis. In Manchester and other large towns in England, cab proprietors have been allowed to fix their own prices, the police undertaking, on the part of the public, to see that the accommodation did not fall below a certain minimum. The first part of a similar scheme which we propose to adopt in London—that is, the securing of a minimum amount of convenience and comfort for the public—came fully into operation in the course of the present month. On the 1st of June the inspection of cabs began, and although the fullest notice was given to the cabowners that the inspection would be very rigorous, 200 cabs were rejected out of something less than 1,000. There are some 5,000 more cabs in addition to these not yet inspected, and I do not think the result will prove them to have been more fortunate than the first 1,000. With respect to the other end of the scale of convenience, I am sorry to say the cab-owners have been somewhat tardy in taking advantage of the regulations which allowed them to provide better cabs by charging higher rates; but two companies have been formed for introducing a superior class of vehicle, and I hope in the course of time, when the few superior cabs at present introduced have created confidence on the part of the public and the proprietors, that others will quickly follow. Then, as soon as the experiment has resulted in a better cab service for the metropolis, it will be proper to fix the rates, and then it may be in our power to adopt Mr. Hadden's scheme.

### DULWICH COLLEGE.—QUESTION.

Colonel BERESFORD said, he wished to ask Mr. Attorney General, Whether representations have been made to him on behalf of the inhabitants of Dulwich and Camberwell as to the conduct of the governors of Dulwich College in the following particulars:—As to the diversion of £14,500 from income to "suspense account," and the application of part of that money in the construction of roads, sewers, &c., and in payment of part of the cost of the new College buildings, notwithstanding the governors had a capital sum of upwards of £80,000 at command; as to the raising of the capitation fees payable by boys in the Upper School from £6 (the lowest) to £12, and from £10 (the highest) to £18, and the appropriation of the fees in a manner not authorized by the scheme sanctioned by Parliament; as to the non-establishment of the Exhibitions and Foundation Scholarships provided for by the Parliamentary scheme, and the establishment of scholarships in a manner unauthorized by such scheme, and under the authority of the "advice and opinion" of the Charity Commissioners, whose powers have been taken away by the "Endowed Schools Act;" as to the erection of the new College buildings, such new buildings being estimated to cost £87,000, to accommodate not more than 600 boys; and, what course he intends to take in reference thereto?

The ATTORNEY GENERAL said, in reply, that such representations as those referred to in the hon. and gallant Member's Question had been made to him. Several deputations of the inhabitants had waited upon him in reference to that subject, and he invited the Governors to depute some of their body, or some one to represent them, to appear before him and answer the allegations that were made against them; but they did not consider it consistent with their dignity to do so. He had no power to compel them to do so, and he had to consider as well as he could between the conflicting statements that were made to him. With regard to the Question generally, he was not altogether satisfied on the subject of expenditure, and especially with regard to the building expenses. It appeared to him to be very large; but, at the same time, he was bound to say that he believed it had received the sanction of the Charity Commissioners. With respect to the other matters mentioned in the Question, although he was not perfectly satisfied with all of them, everything that had been done had been done by the sanction of the Charity Commissioners. Now, he had only two courses to pursue. One was, to do nothing; the other, to file an information in Chancery. It was not usual for the Attorney General to file an information in Chancery except on the certificate of the Charity Commissioners, and as they had approved of what had been done it was not likely they would give a certificate. At present, no sufficient cause had been laid before him to justify his taking the somewhat unusual course of filing an information under the circumstances.

### ARMY—DIRECT COMMISSIONS.

#### QUESTION.

Mr. H. R. BRAND said, he would beg to ask the Secretary of State for War, Whether it is the intention of the Government to carry out the recommendation of the Royal Commission (1869) appointed to inquire into the training of Candidates for Commissions in the Army, that students who have passed responsions at Oxford, or a corresponding examination at other Universities, should be held qualified to receive a direct commission, provided always they be within the prescribed limits of age; and, if so, when?

Mr. CARDWELL: Sir, it is my intention to give effect to that recommendation, and when the approaching examination under the old regulations is over, new regulations will be published, and this will be included in them.

## ARMY—PAY OF OFFICERS IN INDIA.

### QUESTION.

MR. STACPOOLE said, he would beg to ask the Secretary of State for War, Is it a fact that the Officers of the Madras Native Infantry stationed at Singapore receive Indian pay and allowances, together with Colonial allowance, whilst the 75th Regiment of Foot, quartered at the same station, receive only English pay, together with Colonial allowance, the difference of receipts between the Services in the rank of Lieutenant amounting to £180 per annum; if so, why?

MR. CARDWELL: Sir, there is a difference not, as I am informed, of £180, but of £67. The reason is, that each officer receives the pay and allowances of the service to which he belongs.

## IRELAND—TELEGRAPH COMMUNICATION.—QUESTION.

MR. STACPOOLE said, he would beg to ask the Postmaster General, If the Post Office will undertake or does undertake to deliver Telegrams from London in Dublin in a reasonable time; if he considers ten or twelve hours a reasonable time for the transmission of a telegraphic message of under twenty words from London to Dublin; if the Post Office will return money paid for messages from London to Dublin not delivered in reasonable time; and, if a petition of right or other proceeding lies against the Post Office for loss or injury incurred by the non-delivery or late delivery of a Post Office Telegram?

THE MARQUESS OF HARTINGTON said, in reply, that as his hon. Friend had given notice of a Motion attacking the telegraph communication between Dublin and London he (the Marquess of Hartington) was afraid his hon. Friend was endeavouring to elicit information to be used against that Department, and therefore he hoped the hon. Gentleman would excuse him if he answered the Question with some degree of caution. The Post Office only undertook to deliver messages entrusted to them in the shortest possible time required for that purpose; but he did not consider 10 or 12 hours a reasonable time for the transmission of a telegram between London and Dublin. When the communication was seriously interrupted by the breakage of a cable the authorities took every means of giving notice of the fact to the public by exhibiting a notice to that effect at all the principal offices, so as to warn the public of such delay, and to intimate to them the comparative uselessness of telegraphing under such circumstances. If the public then persisted in telegraphing the Post Office authorities did not consider it necessary to return the money paid for the transmission of messages; but if an unreasonable time occurred in the delivery of messages without notice being given, then the Post Office considered it right to return the money. With reference to the last part of the hon. Gentleman's Question, he was certainly not ready to admit that the Post Office was liable in any way for every loss or injury incurred through the Department's misdoing; but if the hon. Gentleman entertained any doubt on the matter, he would recommend him to obtain a legal opinion upon the point.

## BRAZIL—CLAIMS OF BRITISH SUBJECTS.

### QUESTION.

MR. ANDERSON said, he wished to ask the Under Secretary of State for Foreign Affairs, If any steps are being taken by Government to obtain settlement of the claims of British subjects on the Government of Brazil?

MR. OTWAY, in reply, said, he must remind the hon. Gentleman that the claim of British subjects on the Government of Brazil was an old subject. But they were in this difficulty—that there were as many claims by British subjects on the Brazilian Government as there were by Brazilian subjects on the British Government. Steps had been taken whereby these claims would be examined by a legal gentleman attached to one of the Departments and the head of the commercial department in the Foreign Office. He was unable then to give the hon. Member any further information on the matter.

## ARMY ENLISTMENT ACT.—QUESTION.

COLONEL LOYD LINDSAY said, he would beg to ask the Secretary of State for War, Whether Clause 4 in the Army Enlistment Act, which says—"that the Secretary of State may from time to time vary the conditions of service," will have the effect of preventing a soldier when he enlists from knowing whether he is engaging for three years' Army service or 12 years' Army service, at the option of the Secretary of State; and, whether Clause 5 limits the power of the Secretary of State to continue soldiers for twelve years' Army service to periods of imminent national danger, or, whether he, the Secretary, will at all times have that power?

MR. CARDWELL: Sir, the 4th clause of the Army Enlistment Act expressly says—that the period can only be varied with the soldier's free assent. Taken in conjunction with the 3rd clause, the effect is that the period is specified in the attestation paper, and can only be varied by the Secretary of State with the free assent of the soldier. I may take the opportunity of saying that though three years are specified as a minimum for the time with the colours, the intention is that in general the engagement shall be for 12 years in all—six with the colours and six in the Reserve. The 5th clause specifies the only circumstances under which it will be in the power of the Secretary of State to require a man to return to the colours when he has once passed into the Reserve.

## CASE OF GEORGE MAW.—QUESTION.

MR. PEASE said, he would beg to ask the Secretary of State for the Home Department, Whether he has received any information relative to the case of George Maw, a prisoner in Durham County Gaol, who received corporal punishment there on the 14th April last, for an alleged assault on a warder of the prison?

MR. BRUCE: Sir, I have communicated with the local authorities and have received from them a good deal of documentary evidence bearing on the subject. It appears that George Maw, who had been very frequently convicted, and occasionally for acts of violence, was committed to gaol for 14 days, with hard labour. Two days before the time when he could have left the prison, he committed a very outrageous assault on a warder, and when a prisoner interfered to protect the warder, Maw assaulted him also. Under these circumstances, an inquiry was instituted by a magistrate, in the absence of the visiting justices, and the magistrate, in the exercise of his discretion, and with perfect legality, ordered him to receive 24 lashes. It is not my business to criticize minutely the manner in which the magistrate exercised his discretion. Another magistrate might possibly have taken a different view on the subject; but it is impossible for me to say that this magistrate, having regard to the protection and safety of the warders, who are constantly exposed to danger, did unduly and excessively exercise the discretion reposed in him by the law when he ordered this punishment to be inflicted. It has been asserted that at the time this punishment was inflicted on Maw he was suffering from *delirium tremens*; but it does not appear to me that there is any evidence to support the statement.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[BILL 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. ADJOURNED DEBATE.

THIRD NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th June], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

> To leave out from the word "That" to the end of the Question, in order to add the words "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds,"—(*Mr. Henry Richard,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. DIXON said, that on a former night the right hon. Baronet the Member for Droitwich (Sir John Pakington) remarked that he thought he (Mr. Dixon) was an educationist, meaning, he supposed, thereby that the course of action he had taken in reference to this measure was inconsistent with such a position. His hon. Friend the Member for the Edinburgh and St. Andrews Universities (Dr. Lyon Playfair), after giving on Monday night last a most vivid and striking description of the educational deficiencies in our large towns, observed that he wondered how he (Mr. Dixon) could let the Government delay for an hour the passing of an

Education Bill. His right hon. Friend the Vice President of the Council also in his speech stated that it rested very much with the Member for Merthyr Tydvil (Mr. Richard) and himself (Mr. Dixon), whether the religious difficulty was to keep the children of England uneducated for another 10 years. He could not understand why such observations were addressed to them. They were, of all men, a portion of the most quiet and unobtrusive class. They seldom spoke; but he understood those observations to mean that it was acknowledged that they represented the opinions of many influential persons outside the House. Were they, then, doing wrong in expressing those opinions, and was there anything un-Parliamentary or factious, or anything that the Government had a right to complain of, in their conduct? It was not their fault that the House of Commons was engaged at that late period of the Session in debating this important question, any more than it was the fault of the Government or the House; but on so great a subject, no matter when it was brought forward, it was absolutely essential that the Government should know what were the opinions not only of hon. Members, but also the opinions of large sections of people out-of-doors in reference to it. All that they had done, and all that they intended to do, was to take every opportunity that was offered them of expressing their opinions fully and freely, in order that they might have their due weight in the House, and he did it because he was an educationist and should always be one. He was not a religionist as contradistinguished to an educationist. He had no objects to serve apart from those that were involved in the education of the children of the country; but what he wished was that a measure of such vast importance should be well considered and fully debated, and that they should not come to a decision upon it without rightly understanding what they were about, for a false step made now might be of the greatest importance—might be irretrievable, or, at all events, involve them in considerations which it would take years to remove. To consider now the whole matter well would not waste but save time. He approached its consideration with a sense of its importance which he could scarcely describe, and with the full conviction that all personal considerations and all party ties ought to be put in the background, and the country might lavish well its wealth and influence, if need be, to remove every obstacle that existed in the way of the education of the people. He again thanked the Government for the spirit with which it had approached the question, and for the manner which it had introduced it—not but that there were great evils in the Bill; and knowing what the position of the Government had been, and was, with reference to it, he was not going to be hypercritical, or condemn the Government for not doing what they thought they were unable to do. He admitted that hon. Members on the other side of the House had made concessions to Nonconformity and the extreme section of the country, which were thankfully received by them; but, at the same time, he felt it to be his duty to point out what appeared to him to be the great defect of the Government Bill, and also to point out what would still have to be yielded by hon. Members opposite before they could arrive at a permanent settlement of this question. What was their position? They had one of the strongest Governments that had existed for many years, the most able Prime Minister the country had had since the time of Pitt, and at the Education Department they had a Minister who was not only deservedly popular, but who was supposed to possess special qualities for the settlement of this question; and, besides that, they were supported by a democracy whose power had not yet been fully developed, but whose power and influence had been fully and freely placed at their disposal, but yet they had a measure of education which, in the opinion of some of the supporters of the Government, indicated hesitation and even weakness. If this was to be a national measure, as stated the other night by the Vice President of the Council, it was essential that there should be school Boards to provide education for every child in the country; but yet it was proper to make them permissive, and the consequence would be that in most of the rural districts there would be none established for some years to come. Again, there was to be what was called compulsory attendance; but it was not to be everywhere enforced, and as that part of the Bill was to be permissive, he doubted if its compulsory powers would be put into execution except in a few of the large towns. The religious difficulty had been so dealt with in the Bill as to bring all the Nonconformist bodies into antagonism with it. It was evident that where school Boards did not exist there State action must cease. It was true it was contemplated by the Bill that there should be school Boards where efficient schools did not exist; but, then, in these schools, although they might appear to be, in the estimation of the Government, efficient, that which was important to a system of education would be wanting, for they would lack the support that could be given to them by school Boards, which was essential for the full development of a national system. What they desired was that all the schools of the country should be incorporated in one National School system. It was desirable that all the advantages which could be derived from every part of the country should be communicated by means of the Educational Department, and through the school Boards. Without school Boards, how would it be possible to carry out compulsion? As the principle of indirect compulsion had been admitted in the Bill, surely it was a defect that there were not to be the means by which it was to be carried out. The effect of the Bill, as it stood, would be that compulsion might be adopted in some large towns; but it might be doubted whether it was intended that the compulsory clauses should be enforced in the rural districts; not that the agricultural labourers themselves were disinclined to adopt compulsion, but because they were so much scattered over an extent of country, and so immediately under the influence of the higher classes who resided around them. Under this influence the labouring classes in those districts would, not unnaturally, fancy that compulsory education meant a withdrawal of part of the family income; and it would become a difficult matter to get them to enforce the compulsory clauses of the Bill. The farmers, as everybody knew, would earnestly oppose this part of the measure; because, in their shortsightedness, they imagined that they would be acting contrary to their own interests, as employers of labour, if they did not oppose high-class education among their servants, or even any education at all, as in some cases he had heard of. ["No, no!"] At any rate, he had been told so. What the farmers apprehended was that education was intended to be the means of raising wages. They were afraid that when children received a good education they would commence to migrate and emigrate, and that scarcity of labour would be the result. He thought the Government ought to endeavour to override these objections, instead of making any exceptional provision in the Bill for rural districts. The Government relied upon the success of the experiment in the large towns; but what guarantee was there that they would adopt it if it would place them, in regard to the employment of children, at a disadvantage as compared with neighbouring towns and districts in which compulsion was not carried out? Besides, men would not enforce a penal law in one town when they knew it was in abeyance in another; and that very fact would prevent the formation of a public opinion in favour of the law in places where compulsion was adopted. Why should Parliament, with all these objections to a partial and permissive law, hesitate to make compulsion universal, seeing that the proposal had been unanimously approved at hundreds of crowded meetings held in all parts of the country? With reference to educational destitution, one great cause of it was the poverty of the parents. The Government admitting this fact, which was proved by statistics, proposed to put in force a compulsory law which they said would remove the difficulty, inasmuch as it would allow the school Boards to admit into schools without any charge those children whose parents were unable to pay the school pence. The people throughout the country objected to that, on the ground that such parents would be in the position of paupers, and what they really preferred instead of it was that education should be made thoroughly national; that it should be under the charge of the State; that it should be paid out of the national Exchequer. They desired also that the middle-class schools, and even the Universities, should be opened free to all, without distinction of class, so that the poorest child might have the opportunity of obtaining advanced degrees in learning. It might be objected that by doing so they would be acting unjustly; that they would be taxing the people of the country in order to obtain the education of children whose parents ought to pay for it, and that such a proceeding would tend to weaken the parental ties. There was, however, an endowed school in Birmingham where 1,800 pupils received a superior education; but he never heard that the parental ties had been weakened by the education of the children there. Considering the advantages to be gained, he thought the objection a small one that they ought not to use £500,000 of the money which had been subscribed by those persons who supported denominational schools. Such a consideration appeared very small when the House bore in mind that some £50 or £100 were annually spent in luxuries throughout the country by the poor themselves. Then the Government was rich, having an available surplus, which he suggested might be drawn upon for the assisting the education of the masses of the people. On the subject of the religious difficulty, he was of opinion that the Government had shown too much hesitation. Other hon. Members had already dwelt upon this question; and he hoped yet to hear his hon. Friend the Member for Carlisle (Mr. Potter), who would, doubtless, be in a position to tell the House that they need not fear the religious difficulty. Denominational schools at present existing might hereafter be increased in number, and grants hitherto made to them might be augmented to the extent of one-half. Now, he should like it to be clearly understood that he had not the slightest objection to the transfer of the burdens of the cost of those schools from the rates to the Imperial Exchequer. He had always felt the difficulty to be a great one to increase the rates for the sake even of educational purposes. The Bill which the National Education League had drawn up, therefore, provided that the Government should be invited to contribute to the support of all schools to the extent of two-thirds of their entire cost. What he contended for was that, in every future extension of Government aid to education, it should be distinctly provided that in all schools which should be erected and receive grants, and in all existing schools which should receive additional grants, the religion of any particular sect should not be taught, but that the religious teaching, if any, should be of an unsectarian character. Such was the opinion of the body he represented. They, therefore, considered the Amendment foreshadowed by the Prime Minister—giving increased grants to denominational schools—to be in direct violation of a most important principle, a principle which the Nonconformists and the Liberal party were not disposed to abandon. This last Amendment had entirely shattered their hope of one thoroughly national system of education, for it created two distinct classes of schools in the country. If, under these circumstances, the denominational schools were to have their grants increased from 10*s.* to 15*s.* a head, and if at the same time the children's pence might be collected, the result would be immense schools sustained at the cost of the Government and the children's pence, while the subscriptions of the managers would be no longer needed. At any rate, such would often be the result; but supposing it were not invariably so, the burden upon the subscribers would be comparatively insignificant. What would be the result, then? The Government would have permitted a large number of private bodies, of committees and managers throughout the country, to have control over the expenditure of public money, though these committees would be quite irresponsible as regarded a great part of the educational work. The results would be disastrous. He had no faith in the power of these irresponsible school committees to maintain the schools so well as the school Boards. If they possessed the power, why call the school Boards into existence? The answer was that the school Boards would be able to do that which the committees had failed to do. With reference to these increased grants several hon. Members had addressed the Government, and said that some guarantees ought to be given that the grants might be relied upon. It was noticed that the Vice President of the Privy Council made no reply to this suggestion. In fact, no reply that could be satisfactory was possible; and not only so, but the right hon. Member for Droitwich (Sir John Pakington), and the hon. and learned Member for Oxford (Mr. Harcourt), alluded to a compact made between the Government and the existing schools with reference to the existing plans of the old schools. He ventured to say that no such compact existed in a

Parliamentary sense, or was recognized by the country. He thought he was justified in warning hon. Members on the other side of the House that there was a growing feeling in the country that such grants ought to be considered and varied from year to year, and that if there was to be any understanding that those grants should be increased, future Parliaments and future representatives of the large towns and the Nonconformist bodies would unceasingly agitate against those increased grants for denominational purposes, and that it would be difficult, if it were possible, to carry them. He was as tolerant of sects as any man. He had no prejudices against the Nonconformists, or in favour of them. He was not a Nonconformist himself. But he felt that if the other provisions of the Government should be carried into effect, and if they should find that throughout all the new schools that were to be built there should be a promise given to teach sectarian religion, they would also find that there would be religious controversies of a character that would be detrimental to religion itself, and would not serve the purposes of the parents of the children educated in them. What would be the effect of such a plan as the one that had been suggested by the right hon. Member for South Hampshire (Mr. Cowper-Temple) and accepted by the Government? The question would have to be debated in the local Board whether any religion at all should be taught in the schools, and if it were decided that religion was to be taught there would arise the further debate what the religion should be, the object being that the majority of the Board should have the appointment of the schoolmaster, who was to be taken from a normal College of their own persuasion. But if it were necessary that these masters should teach religion, and teach it from their heart and soul, clearly the religion which that man would teach would be the religion of the sect to which he belonged. Then, would there not be dissatisfaction to two classes of people? Would not the parents of the minority section object that their children did not get the advantage of the religious teaching for which they paid. And what would the ratepayers say? They were paying for the teaching of religion, and that he objected to. That meant that in the agricultural districts of England the teachers would be of the religion of the Church of England. But in places where the Roman Catholics were in the majority the case would be reversed. And how could they admit this principle in England and refuse it in Ireland? We must look forward to the establishment of schools in Ireland where the teacher should be not only a Roman Catholic, but should teach the Roman Catholic religion, and be paid by the State for so doing. This was a state of things which ought not to exist, which was against the principles of a very large portion of the people, and which was a principle that had been abandoned by this House. When they disestablished and disendowed the Irish Church, the principle which they proclaimed was, that so far as the future was considered, so far as the present action could be brought to bear on the question, there was to be a severance of the action of the State from sectarian religious teaching. And these clauses would be in direct contravention of this great principle. The whole of the Nonconformists interpreted this clause in the sense he had just described, and he felt convinced that, apart from the evils of the discords and dissensions which would occur in special districts, they would find that the operation of the clauses would be such that the Nonconformists would be in perpetual antagonism to the principles from which they had always dissented. The Prime Minister had stated, and it had been echoed in all parts of the country, that the State in reality, in reference to these denominational schools, would only pay for secular instruction, and that already there was that complete separation between the State and religion which they advocated. They replied that if hon. Members would really consider the case of these denominational schools, it would be found that without these Government Grants the schools could not exist. The schools existed by virtue of these grants; and when the House of Commons made the grants, they made themselves responsible for what the schools taught. And whenever a denominational school was supported by the Government it was impossible for an undenominational school to be created and to compete with the other school, and therefore they not only made the denominational schools live by virtue of the grant, but they prevented other schools from starting, excepting where the district was large enough for two schools, which often was not the case. The Vice President had stated that their position was illogical, that they had no right to a conscientious objection to the teaching of a Church from which they dissented unless they would also grant to those who wished for this religious teaching that they should have a conscientious objection against the religious teaching in these schools. The Vice President also said that there were hundreds of thousands if not millions of people who had those conscientious objections and who did not wish that religion should be severed from education. But he (Mr. Dixon) could not accept that position. What was meant by the religion which the people wished to be mixed up with secular education? When the Vice President talked of religion did he not mean that kind of unsectarian teaching which was meant by the hon. Member for Manchester (Mr. Jacob Bright) when he placed on the Paper his Amendment to Clause 14, and by the hon. and learned Member for Oxford (Mr. Harcourt) by his Amendment on going into Committee? Did they not mean unsectarian Bible teaching? that the Bible should not be excluded from the schools, and that the master should be permitted to give just so much of explanation as was necessary to enable the children to comprehend it? Such was the idea of religious teaching which they had in their minds. In reference to the Amendments of his right hon. Friend, he would venture to say this—that notwithstanding they had been rejected by the Prime Minister as impossible and untenable, if the Government had seen the way to these Amendments they would have been received by the House, approved by the country, and however subtle legal minds might be overwhelmed with the difficulty of the position, the practical difficulty would have vanished and the question would have been settled for a long time to come. He shared the opinion of the Prime Minister. He felt the logical difficulty; he was opposed to these Amendments; he never sanctioned them. Yet he would have submitted to them with remarkable cordiality. He could not, however, have ventured on the responsibility of proposing them himself, because they did not adequately deal with the difficulty. They now had to choose between non-religious teaching in the schools, or sectarian teaching in the schools by the schoolmaster. When the alternative was put before the people, and they could understand the question, it would be found that they would decide in a very different way from the way in which they had hitherto decided, and he doubted whether the hundreds of thousands would ask for the sectarian teaching which they now asked for. They had been told of the zeal which the clergy and the ministers of religion had shown for religious teaching; but when it was proposed that those very gentlemen should give their teaching voluntarily, outside of school hours, it was said they were unreasonable in expecting that the clergy would give it. There was an inconsistency here. We were also told that the parents were desirous of giving their children a religious education; but when it was proposed to give their education outside school hours, it was said the children would not attend. But the parents could not be anxious for religious education for their children, if they refused to give it. His right hon. Friend the Vice President of the Council had referred to certain meetings in which strong resolutions had been passed in favour of religious instruction. In reference to the meeting at Bradford his right hon. Friend had misinterpreted the language, and he was grateful for small mercies. In London there had been meetings, and his right hon. Friend seemed to have understood a remark of Mr. Spurgeon in a different way from the manner in which he (Mr. Dixon) understood it. Mr. Spurgeon said he would not be a party to the exclusion of the Bible from education. But who had ever talked about the exclusion of the Bible from education? The party with whom he (Mr. Dixon) acted had invariably said that the Bible was to be introduced by the school Boards. He did not see that Mr. Spurgeon had ever uttered anything indicating a want of harmony with those with whom he (Mr. Dixon) acted. But, with regard to the meeting at Exeter Hall, the resolutions, which were unanimously and enthusiastically carried, were in favour of Bible reading. A remark was made by one of the speakers that, if the Government Bill were to pass in its present form, there would be throughout the country a wide-spread feeling of opposition and antagonism to the Government arising therefrom in the minds of some of the firmest and foremost and longest-continued supporters of the present Government. He thought the feeling was shared by nearly the whole of the Nonconformist Body, and that if the Bill were to be passed in its present form there would arise wide-spread dissatisfaction. As to the Amendment proposed by the hon. Member (Mr. Richard) he would remark that it was not an Amendment of the National Education League. The hon. Gentleman was not even a member of the League, and consequently he (Mr. Dixon) did not consider himself in any way responsible for it. But it was his intention to support it, and he hoped that nothing would occur to induce him to hesitate for a moment in dividing in favour of his Amendment. There might be some Members who would decline to go into the Lobby with his hon. Friend the Member for Merthyr Tydvil; but they would also probably object to go into the same Lobby with the Government. The Amendment was not intended to catch the votes of the House; but to give an opportunity of expressing an opinion that the country might understand. If this measure was to be a satisfactory measure it must be based on the opinions of the House, and those opinions sanctioned by the country, else the basis would be insecure, and could not be firm. And how was the Government to know the opinions of the House unless they were expressed by a Division? He believed that they were doing a great service to the Government, to which they had always been so loyal, in acting in the manner in which he was now acting. When they went into Committee he hoped they would go with minds much clearer than they were at present, and that the Government would not be inclined to take that fixed and firm and invariable position which was indicated in the course of the debate, but that it might be seen whether it was not possible to make admissions and modify clauses affecting various points which would meet the wishes of the Nonconformists. He could assure the House that he and other hon. Gentlemen who supported the Amendment did so from no wish to delay the Bill, and from no feeling of opposition to religious instruction; but because they believed that if the Amendment were agreed to the children would receive an education that would be really sounder and more truly religious than that which would be given to them under the Bill in its present form. He trusted the right hon. Gentleman at the head of the Government would take note of those who went into the Lobby in support of the Motion of his hon. Friend the Member for Merthyr Tydvil, for he would find that they represented important sections out of Parliament, whose views on the subject ought not to be lightly disregarded.

MR. BRUCE assured his hon. Friend who had just sat down that he was one of the last persons to whom he should think of ascribing a desire to delay the progress of national education. He had long been a fellow-labourer with him in the same cause, and he cheerfully admitted the earnestness of his efforts in that direction. As to the Bill under discussion, he would observe that, although it would not establish one uniform system, it furnished the means of spreading education over the whole breadth of the land. The principle of compulsion, although only partially adopted, was also contained in the measure, and, finding that to be so, he could well conceive that his hon. Friend would with great reluctance pursue any course which might delay even for a moment the progress of the Bill; and that which he said with respect to his hon. Friend, he was prepared to say with regard to the hon. Member for Merthyr Tydvil (Mr. Richard), who had expressed in the strongest terms his sense of the difficulties of the question, and who, with that honesty which was natural to him, had declared it to be his earnest desire that the Bill might pass. But when he came to consider the recommendations which had been made by those two hon. Gentlemen, he must confess that if the Government were so unwise as to accede to them the result must, in his opinion, be not only to arrest the progress of the present Bill, but also to endanger the success of any measure that might be brought forward hereafter. The main principle involved in the Amendment was that the schools of this country should be secular; and he quite admitted that, if we were to have but one system of national education, he saw no other refuge than the secular system. Much had been said in praise of the secular system; but the Government were convinced—quite irrespectively of their own individual opinions—that neither the country nor the House was prepared to adopt that system, and that it would consequently have been mischievous and useless to propose it. Before proceeding further, he desired to point out some of the fallacies underlying the arguments which had been used by some of the opponents of the Bill. His hon. Friend the Member for Merthyr Tydvil described it as a measure to make the education of the country universally and for ever denominational. The hon. and learned Member for Oxford (Mr. V. Harcourt) spoke of it as pure and undiluted denominationalism. He should wish, therefore, to state what was the real principle of the measure. It was essentially a supplementary measure. The Government had consistently maintained that this was its character. They did not propose to deal with the existing system. They thought that system ought to be respected for many reasons. They could not forget that when, in years past, the country had had recourse to the voluntary system, the efforts of generous and patriotic individuals had been energetically directed to supplying a great national want; and they were, therefore, of opinion that it would be ungracious as well as ungrateful, and would have the effect of giving an immediate and perhaps lasting wound to the cause of education if they were suddenly to displace the old system, and introduce a new and uniform system.

In bringing in the Bill the Government were impressed with the belief that the future state of national education must be left to time, and that the country was not as yet ripe for any one system. They were persuaded that any Bill embodying one particular system would be distasteful to a large part of the nation. They had, therefore, no secret intention of overthrowing the present system, to which they wished to give a fair field and no favour. But, while anxious to supply its deficiencies, they also desired to test the national feeling on the subject. But with what justice, he would ask, could the principle of the Bill be characterized as one of pure and undiluted denominationalism? Was it not proposed, in the first place, to get rid of one distinctive feature of the present educational system—denononominational inspection? Even in the existing schools every child would be able, under the Bill, to receive a purely secular education. It seemed, he might add, to be forgotten by many hon. Members that the present system was not universally denominational. No inconsiderable number of children were educated in schools aided by the State which were not of that character. Surely, if any system was undenominational it was that of the British and Foreign School Society. The schools of that society were managed by committees composed of men of various sects, and the masters were appointed without any reference to their religious denomination. Speaking from personal experience, he could state that the system pursued in those schools was thoroughly undenominational. But how was it that this system, which appeared to be admirably adapted to the wishes of the Protestant part of the community, and which was not unlikely to be the system of the future—unless the national mind should ultimately become favourable to secular education—how was it that this system had not taken deeper root? It was undoubtedly due, in the first place, to the fact that it was not supported by earnest denominational zeal; and, in the second place, to the circumstance that it suffered from the opposition manifested by many leading Nonconformists to the receipt of aid from the State. The Nonconformists complained that Church of England schools received the largest proportion of such grants; but he remembered that the first time he ever met his hon. Friend the Member for Merthyr Tydvil was at a meeting of the Congregational Union, at which the hon. Gentleman exerted all the powers of his eloquence to induce the meeting to oppose any scheme of State aid for education. Now, he had no objections to such doctrines. They were very generous, and had much to recommend them. He even hoped that all fathers of families in this country might at length be animated by so strong a sense of the importance of education as to be willing by their own voluntary efforts to provide for their children the means of education. But, unfortunately, the time had not yet arrived when parents were so ready to furnish the means of education for their children that the State could properly withdraw its assistance. Now, however, that those who had so long been the opponents of State aid to education were willing to accept it, it was hardly fair for them to turn round and say the system was a partial one. He had ascertained what had been the effect of the change in the policy of the hon. Member for Leeds (Mr. Baines), and those who acted with him; and he found that while in 1866 there were 115,000 children in the British schools of this country, in 1869 the number had only increased to 150,000.

It was said that, whatever might have been the probable results of the Bill as it was introduced by the Government, yet the changes which had been made would have the effect of strengthening the denominational system; but he could assure the House that such was not the object of any Member of the Government when those changes were determined on, the only idea of the Government being to meet the objections that had been raised against the proposed distribution of local rates by the local authority. But would the changes in the Bill have the effect of establishing denominational schools everywhere? At present the grant to a school was limited by the condition that in no case should it exceed the joint amount of the voluntary subscriptions and the school fees, and as that condition would still remain it was plain that the increased grant could only be obtained either by increased efforts on the part of the friends of the school or by an increase in the school fees. Moreover, the change that had been introduced in reference to building would produce an effect decidedly adverse to denominational education. He had sometime ago formed the opinion, which he still entertained, that the denominational system had already occupied nearly all the ground which, from its nature, it was fitted to supply, and could not in future extend itself as rapidly as it had done up to the present time. The districts which remained to be provided with schools were principally two; there were, firstly, the country parishes, which were mainly owned by non-resident proprietors, who took but little interest in the welfare of the inhabitants; and, secondly, there were the portions of large towns mainly inhabited by a poor population, incapable of making the efforts necessary to provide schools. In all large towns there were found districts which were amply, and even excessively, provided with school accommodation; but in all of them, he believed, without exception, there were considerable portions inadequately supplied, and some, as in the eastern portions of London, in which no school whatever could be found. As regarded the country districts, this Bill would compel contributions by those proprietors who had hitherto escaped taxation for educational purposes, while, as to the towns, immediately after the passing of this Bill an educational Census would be taken, and it would be in the power of the Privy Council to order the necessary schools to be provided; and this must be done by means of local Boards. Then came the question whether those local Boards would be likely to foster the denominational system? Local Boards would be the representatives of the majority of the ratepayers, and there was every reason to believe that every variety of opinion would be fairly represented. The voting would be by ballot, and did hon. Members who had so long advocated the Ballot now, for the first time, express a doubt as to its efficacy? Each voter would only be able to give one vote; so that when an opinion was entertained by any considerable section of the population it was certain to find a representative on the Board. In order to reconcile divergent opinions the local Board would find itself obliged to adopt a system which all could agree in supporting, and that must necessarily be different from the present denominational system. There would also, in every case, be a broad distinction between schools as they at present existed and those which would be established by the local Boards. For instance, at present all Church of England schools which were in connection with the National Society necessarily had the clergyman of the parish as a member of the managing committee; but no such restriction would apply to the schools which were established by local Boards, who would be free to elect or reject whom they pleased. They might accept the clergyman; but if his views happened to be different from those of the majority of his parishioners, it would be in their power to exclude him from the management of the school in order to elect some one with whose opinions they agreed. He was surprised to hear the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) use that epigrammatic sentence in which he said that the exclusion of catechisms and formularies would result in converting teachers into "a sacerdotal class," and he wished to be shown in what respect they would be more of "a sacerdotal class" under one system than under the other. The opposite was, and must be, the fact. There could be no doubt that lessons of every kind might be drawn from the pages of the Bible; but was there on the part of the schoolmasters of this country such a love of dealing with abstruse doctrines as to render it likely that of their own accord they would plunge into difficult and mysterious subjects when they were instructing poor little children? He could not deny that such an occurrence was possible; but it could only be one instance in a thousand. Speaking from some experience of the subject, he alleged that the arguments used by the hon. and learned Member for Oxford were extravagant, for everyone who knew what was the course of instruction in the elementary schools of this country would see that there was no real danger, but only a fictitious one which was raised for the purposes of argument. The greater the difficulty experienced in levying the funds necessary to meet the Government Grant, the greater would be the probability that a large number of these schools would become undenominational.

He had now to deal with the plan put forward by his hon. Friend the Member for Merthyr Tydvil in lieu of that proposed by the Government. The hon. Member had proposed a scheme which, in regard to its main outlines, had been characterized as being at once secular and sectarian. It was secular inasmuch as it excluded all religious teaching during the hours of ordinary instruction, and it was sectarian inasmuch as after those hours it permitted any amount of sectarian teaching. He could not doubt that in this country the effect of such a system would be to exclude religious teaching altogether from the schools. His hon. Friend had said—"Do you doubt the zeal of the 50,000 ministers in England?" and his hon. Friend could have supplied a satisfactory answer to that question. If the 50,000 ministers could be equally distributed over the whole country, and if our 20,000,000 inhabitants could be equally apportioned among them, they might, perhaps, be able to look after the religious education of the people. But they all knew that where, at present, the schools were open to the ministers of religion, those ministers did not, in many cases, take part in the teaching of religion. He believed that the interference of ministers of religion in the teaching of schools had been very greatly exaggerated. Even among the clergy of the Church of England the number of those who taught in schools was very small as compared with the number of those who did not, and that not from any lack of zeal, but because those who were conscious of not possessing the teaching power were unwilling to interfere. He need not say that applied to the Dissenters also. It was one thing to stand up in the pulpit and preach a sermon, and it was another thing to have to stand face to face with a class of small boys, and attempt to teach them. Moreover, they heard on all sides that the clergy were already too severely tested, and how was it possible that they should undertake new duties? When so many sick people were unattended, and when so many wicked people remained unchecked, the clergy were obliged to abandon the care of the schools. He was not prepared, however, to accept the character given by his hon. Friend the Member for Merthyr Tydvil of the religious teaching in our schools, and to say that such teaching was a sham. That it was imperfect, and that much of what was called religious teaching was not so, might be true. He did not know that some of the special narratives used in the Church schools and the British and Foreign schools—such, for example, as the march of Moses and the Jews to the Promised Land, and the journeys of St. Paul—added much to the religious feelings of the scholars; but there was a great deal in the teaching which must produce a lasting impression on the children's minds. Let hon. Gentlemen test this by their own experience. It was not from the Catechism and the formularies that they received their deep religious impressions, but by reading impressive parts of the Bible. Whenever he had visited British and Foreign schools, he had always been much struck with the impressive way in which the religious instruction was imparted. The business of the day began and concluded with prayer, and beautiful chapters from the Bible were read which would come forcibly back to the remembrance of the children in after-life. He was sure that many simple, and therefore lasting and deep impressions would be carried away from such lessons which would enable those who received them to resist many temptations. While upon this subject, let him ask the House what was to become of the children if no religious instruction was to be given in the schools? To talk of the vast efforts to be made by the ministers of religion was a mockery. They knew that there were hundreds and thousands of children who lived in irreligious homes, where the name of God was never heard but in blasphemy; and most of whom never entered a church or a Sunday school; and if these children were not taught religion in schools, where would they ever be taught it? He would ask his hon. Friend (Mr. Richard), who was a religious man—and he quite agreed with the hon. Member for Birmingham (Mr. Dixon), that those who supported the Amendment had quite as high and true a sense of religion as those who opposed it—he would ask them, could they believe that by those children to whom he alluded the simple and touching lessons would ever be learned except in the schools? The names had been mentioned of Dr. Hook, and other eminent men who supported the secular system of education. It should, however, be borne in mind that it was a part of Dr. Hook's system that every child should give a certificate of having attended some course of religious instruction. The name of Mr. Cobden had also been quoted; but as his case had been dealt with by his right hon. Friend at the head of the Government, the House might allow him to introduce another name—not so great as that of Mr. Cobden—but the name of one who had done much for the cause of education. Dr. John Watts, of Manchester, told him (Mr. Bruce) that he had held 150 large public meetings in different towns and counties in England, and at every one of these he had proposed and carried a unanimous vote in favour of secular education; yet now, after 20 years' labour, he had come to the conclusion that secular education was opposed to the most deeply-rooted convictions of his countrymen, and he was, therefore, ready to co-operate with any-one who would bring forward a measure of religious education. That gentleman, he might remark, had a large share in the Bill which he had the honour of introducing into the House, and which enacted that assistance should be given to every school, whether it were Church of England, Roman Catholic, Wesleyan, or British and Foreign.

He was anxious now to meet an objection which had been made over and over again to the Government plan, both in the debate and in pamphlets. His hon. Friend the Member for Birmingham had referred in his speech to the Irish system. [Mr. Dixon: I did not allude to the Irish system.] He was under the impression his hon. Friend had done so. At all events, a pamphlet, recently published by the League, pointed with approbation to the system pursued in Ireland. Now, there could be no greater mistake than to suppose that the Irish system was undenominational. In its origin it was so, no doubt, for it was founded on the principle of united secular and separate religious instruction. But if the changes which had taken place in that system were to be considered indicative of the changes in public opinion, then the course of Irish opinion had gone strongly in favour of denominational teaching. The Irish system had now become almost a strictly denominational one; it was far more denominational than anything which existed in this country. There were vested and non-vested schools. The latter were founded by any patron; the children were instructed in the principles of his religion; the schools were, in fact, strictly denominational, with a very strict Conscience Clause. The priest might be, and often was, the sole patron, having power, with the consent of the Board, to nominate or to remove the schoolmaster. In these strictly denominational schools three-fourths of the children in Ireland were now being educated. Compare these schools with the English voluntary schools as they would be under this Bill if it passed. Both would be subject to a Time Table Conscience Clause, and to undenominational inspection; excluding the British Schools of England, both would be subject to denominational patronage; and in both only the teacher would be permitted to give dogmatic religious instruction from the Catechism or otherwise, restricted only by a Conscience Clause. In the Irish non-vested schools the voluntary contributions might be set down at nothing, and the school fees were so low that fully 80 per cent of the cost of education was borne by the national Exchequer; but in England the national Exchequer bore only one-third, and under the amended Bill it would bear only one-half of the cost of education. In Ireland the management generally was in the hands of the priest; in England three persons must sign a receipt for money, and were associated with a clergyman in the management of a school. In what respect would the existing schools of England, as modified by this Bill, be less liberal than the non-vested schools of Ireland, which were the admiration of the League? Then there was another class, the vested schools, which he would compare with the schools in England that were to be aided by the rates. Both would be subject to a Time Table Conscience Clause, and both to undenominational inspection; but in the vested schools facilities were given to each denomination to impart distinctive teaching, by catechism or otherwise, during school hours, and in the rate-aided schools such distinctive teaching would be forbidden. In the vested schools the patronage was exercised by the Commissioners of National Education and by the patron they selected; and in the rate-aided schools the patronage would be exercised by the local Board, constituted by popular election. Another great point of contrast was, that the vested schools in Ireland were entirely maintained out of the national Exchequer; but in the case of rate-aided schools one-half the cost would come from fees and from the rates. In the case of the vested schools, the patron, in the majority of instances, was nominated by the Commissioners for the purpose of managing the school according to his own religious persuasion; but he was bound to allow teachers of other denominations access to the children. The system established by the late Earl of Derby existed only in the model schools, about 50 in number, and it was about these there was so much contention. This satisfactorily disposed of the reference to the Irish system; and it must be admitted that the Government proposed to establish a more liberal and popular system in this country.

He wished to say a few words on the subject of compulsion. He was no enemy to compulsion. If he were, he believed the most deadly blow he could inflict upon it would be to make it at once universal. In a country where a general system of education had long prevailed, where the people were in favour of it, and the children were trained to go to school, compulsion would be very well to deal with the small residue that might yet remain. But at this moment the children of school age who did not attend school were estimated at 50 per cent of the whole. How could they apply compulsion to such an enormous number? But then it was said that Government had made compulsion impossible because they countenanced denominationalism. What proof was there that the children of this country objected to be compelled to go to denominational schools? He would remind the House that they had compulsion already. There were the Factory Acts, and the child of a Dissenting parent must go to a Church school if there were no British school in his neighbourhood. Now, from the day of the passing of these Acts till now, where was there a single instance of a child complaining because he was compelled to go to a denominational school? He knew no better or more conclusive proof of the unreality of the religious objection than this that he had adduced.

Then he might be asked, why did he object to the system of undenominationalism? He hesitated to adopt the plan of his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt), because he did not think the time was ripe for imposing on the country any one special form of school, and another reason was that he agreed with his right hon. Friend at the head of the Government, and was unable to see how an undenominational system could be described in an Act of Parliament. The definitions of the hon. Gentleman were too vague for legal use; they reminded him of the famous difficulty of St. Augustine, who said—"When nobody asks me what God is, I know: but if anybody asks me, I cannot tell." But he denied that any attempt had been made on the part of the Government to cast derision on an undenominational system, which was appreciated by many who could not see their way to making it part of a legislative enactment.

Then there was an objection taken by his hon. Friend the Member for Bradford (Mr. Miall), who said this Bill had so many fatal defects that it would not last 25 years. He (Mr. Bruce) would be well satisfied if it lasted five. By that time they would have covered the land with schools; and if by that time a better system could be devised he would gladly see the scheme of this Bill superseded. He wished that in dealing with this great subject certain topics had been avoided. It had been said of his own countrymen that they were too apt to look at political questions through the spectacles of sectarianism, and he thought that on this question the House had shown itself inclined to look at it through the spectacles, he would not say of religion, but of narrow theological controversy. The hon. Member for the Edinburgh and St. Andrews Universities (Dr. Lyon Playfair) had ineffectually attempted to rescue the subject from the region of theological controversy, and to bring it into a more serene atmosphere. He had shown what a national system of education had done for Scotland, and that it was only in the large towns that any system of compulsion was now necessary; and he had pointed out how the scope and object of the existing system of education might be satisfactorily enlarged, so as to make the people of this country greater, wiser, more powerful than anyone had ever dared to imagine. He (Mr. Bruce) confessed that it was with infinite mortification that this long discussion had degenerated into one of theological dispute, which, however interesting to different sects, was of no interest to the parents of the children who required education. He hoped that these discussions would now end. He could not say, considering how strong and deep the feeling of the country was on the subject, that time had been lost on them; but he trusted that the House would now consent to go into Committee, when the Government would give their consideration to every Amendment, and would endeavour to perfect the measure and render it worthy of the adoption of the House.

Mr. HENLEY said, it was strange that the hon. Member for Birmingham (Mr. Dixon), who said the present Government were specially adapted for dealing with this question, should have quarrelled with almost every provision of the Bill; and he thought it would have been convenient if some hon. Member had explained what was meant by the words "unsectarian" and "undenominational," because, having regard to the whole tenour of these discussions, everyone must come to the conclusion that by the use of those words it was meant to imply that persons who believed in the doctrines of the Church of England should have nothing to do with the question of education. That was as clear to him as the sun at noon-day, and the Government must now be aware that all the concessions they had made must be futile, because they were warned that certain parties would never rest until their own views were carried out. With respect to the Bill itself as it was originally framed, he should willingly have given it all the support he could; but, in its present shape, he was unable so to act without offering some observations in explanation. He deeply regretted that the Government had come to the conclusion to abandon the old standing point with respect to the religious matter, and should have placed themselves *in loco parentis* towards the uneducated children of the country without attempting to instruct them in religion. In the Bill, as it originally stood, a free discretion in respect to religious instruction was left to the local Boards; but that provision had received a great and serious qualification by the adoption of the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple), the terms of which shut out the Church of England. It might be said that they might teach the doctrines of the Church of England in a manner which the Church had not appointed; but that would not be honest either to the Church or to the Nonconformists. He was himself unable to discover what the teaching in the schools was to be. The hon. Member for Stoke (Mr. Melly) had given a rough-and-ready explanation, for he said that the whole matter might be comprehended in three sentences. The first was—"Be honest, industrious, and true." Nobody could object to that; but it was as good heathen teaching as Christian teaching. The next sentence was—"Little children, love one another." That was Christian teaching. The third was—"Do unto others as you would they should do unto you." That was also Christian teaching. But dare they venture to teach the precept and not say who had given it—and not tell the children that the command was given by the Saviour? If children asked who was the Saviour, then the whole mystery of the Christian faith would come out. The right hon. Gentleman the Home Secretary had told the House that there might be many things in the Catechism that young children could not comprehend; but could every child comprehend the great mystery of the Atonement of our Saviour? When the seed was once sown, however, another power gave it life, and it was impossible for the mother teaching her child at her knee to tell when, how, or in what manner the seed she was sowing would come to light. It might be resolved that only short sentences should be taught; but it should be remembered what wonderful questions children often asked — questions which the most learned were sometimes unable to answer. It was short sentences that set the children's minds to work. The present Bishop of Manchester, a very high authority, in a speech that he had recently delivered at Manchester on the subject of denominational and sectarian teaching, said—

> "So far as I have known, the religion taught in our schools is positive religion, and not controversial or polemical religion, and the simple aim of the teachers and clergy is to make the children grow up dutiful to their parents, loyal to their Queen, obedient to the law of the land, penetrated by the spirit of the Gospel. Loud and vehement, again, is the cry against the Church Catechism. I do not much care what formulary you put into my hands to teach religion with to children so long as it is simple, exact, and comprehensive; but religion must be taught, as everything else must be taught, out of some formulary, and if people can only give me a better or simpler formulary to teach religion out of than that good old Church Catechism, I am quite ready to exchange it for a better tool."

Let nobody think that that was a vain statement on the part of the Bishop, for he went on to say—

> "Uttering, then, merely my own individual opinion, I should not be at all sorry if we got rid of that time-honoured though somewhat obsolete institution of godfathers and godmothers—a difficulty that has often crossed my path as a country parson—and, if we did, a little difficulty that sometimes meets us at the beginning of the Catechism might be got rid of too."

And then he proceeded to teach them somewhat in the language of the Secretary of State—

> "Postponing the doctrine of the Sacraments to a later age for the further stage of instruction in confirmation classes, I do not believe that either the Baptists, the Wesleyans, the Congregationalists, or the Church people would object to have their children say what was the vow by which they were bound at their baptism, or rehearse the fundamental articles of the Christian faith as contained in the Apostles' Creed, or learn their duty to God and to their neighbour, or be taught that admirable exposition of the Prayer of our Blessed Lord."

Had the right hon. Gentleman the Vice President of the Council been present he would have asked him whether such a view as that taken by the Bishop of Manchester would be admissible under the words of the Amendment that the Government proposed to introduce into the Bill? He should like to know to what the Church of England teaching was to be narrowed down. The hon. Member for Bristol in the course of the debate, said that he much feared that we were coming to the point where no middle course would be open to us, and where we must choose between purely secular and altogether denominational education. In that opinion he entirely concurred. The Prime Minister was quite right when he stated that the vast majority of the people of this country were in favour of religious and against secular education. He also believed, with the Bishop of Manchester, that religion could not be taught without some sort of formulary. If the matter were left to the schoolmaster we should have distinctive teaching, with less security than if that teaching were guided by the actual words of an authoritative formulary. He could not regard the pecuniary offer made by the Government as being just. For nearly 30 years the poorer districts had contributed to the general taxes of the country, out of which the richer districts had been aided with funds which had enabled them to build their schools; whereas, now that the poorer districts might have been enabled to take advantage of it, the building grant was about to be withdrawn. The rating difficulty would prove almost insuperable in the present heavily-taxed state of the country, and he thought it would have eventually to be abandoned. He doubted whether the rate-supported schools and voluntary schools could long continue to co-exist, and whether it would be possible to prevent the rate-supported schools from becoming secular schools. He feared that the disputes that would arise with respect to what denomination of religion was to be taught would result in this country, as it had resulted in America, in nothing at all being taught. He could not help noticing a breach of the faith which the Bill committed with respect to many schools. Between £2,000,000 and £3,000,000 had been expended from private sources to meet £1,500,000 or £2,000,000 from public sources to provide for the building of schools. A large portion of these schools had been built under two express conditions; one being the quality of the education to be given, and the other—almost a Parliamentary condition — that the school should continue to be effective not only in secular, but in religious matters. Where such large sums of money had been expended by benevolent people for the sake of benefiting those around them, Parliament ought not to break faith, and the change would be grievously felt; while the intention to enforce a Conscience Clause on all schools was another serious matter, remembering what large sums had been expended on school buildings. The opinion might be unfavourably received by many in that House; but he could not help saying that this Bill had begun at the wrong end. All who had any knowledge of the subject were aware how large an amount of school accommodation was at present unused; and he, therefore, asked why that could not have been made available before proceeding further? Such a plan of operations would have given to the Government an intimate knowledge of the kind of children who were now out of the schools, so that, to use the phrase of the hon. Member for the Edinburgh and St. Andrews Universities (Dr. Lyon Playfair), they would have been able to make better use of their stock-in-trade. The hon. Member for Brighton (Mr. Fawcett), who had placed before the House a Motion relating to education in the rural districts, knew that what was wanted was not schools, but scholars to fill them. There would have been, on his side of the House, no difficulty in accepting this Bill; but it was painful to him to witness the opposition that was absolutely threatened by more than one hon. Member if the Government did not concede everything that was required. That was a course of policy which made it difficult for one to understand whether such Gentlemen really wished for the establishment of a system of education notwithstanding they had so strongly asserted it. They meant to assert that the minority was to be equal to the majority. He was grieved to hear the hon. Member for Merthyr Tydvil (Mr. Richard) say that religious education in schools was no better than a sham, because the whole tenour of his speech showed such a strong religious feeling. The best proof that religious teaching in schools was not a sham was the change in the condition of the population during the last 30 years. The Home Secretary knew that, relatively to the population, crime had decreased, and the Registrar General's Returns showed that unchastity on the part of women was also lessening; and, although it was impossible to say to what causes these changes were attributable, yet as education in their schools had been given on a Christian basis, they might reasonably hope that that had done its fair share towards effecting those happy results. He did not suppose the House would divide on the Motion of the hon. Member for Merthyr Tydvil (Mr. Richard), which he thought was only brought forward in order to elicit an expression of opinion.

Mr. REED said, that the right hon. Gentleman spoke as an attached member of the Church of England; but there was another view of the question. The right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole) had charged his hon. Friend the Member for Merthyr Tydvil (Mr. Richard) with taking advantage of a religious difficulty to raise an issue not naturally before the House. He denied that his hon. Friend had exposed himself to this charge. It must be recollected that, up to the present time, the Nonconformists had declined any participation in State aid, because they could not allow an inquiry by the State into their religious teaching. Every school they had was religious—they did not know what secularism was—all instruction was based upon the Bible, and while no catechism was taught, unsectarian Scripture teaching was everywhere given. But Mr. Brougham's Bill of 1814 claimed for the clergy the entire control of popular education, giving to them the regulation of hours, fees, and books, with power to do as they pleased, subject only to a right on the part of Dissenters of exercising a Conscience Clause, of which unsatisfactory contrivance Mr. Brougham was, in fact, the inventor. That Bill was not carried; but so desirous were Dissenters that the education of the people should be secured that, when it was felt necessary in 1846 to resist another measure, brought in by Sir James Graham, and framed in a less tolerant spirit, he (Mr. Reed) was a party to a proposal for the formation of a school Board, the foundation of which was almost identical with that now before the House. The proposal stated that—

> "The instruction of the working classes was not sufficient, nor worthy of this great country."

It asked the Government to—

> "Render aid, compatible with parental obligation, and the due preservation of funds now raised by voluntary contributions."

Proceeding upon the assumption that "the relative position of various ecclesiastical bodies" forbade the possibility of an acceptable national system, it urged—

> "That a Board of Education should be formed to receive and dispense the Grant of Parliament on principles of equality;"

and claimed—

> "That no Board could possess the confidence of the people which did not fairly represent those who dissent from, as well as those who are attached to, the Church of England."

And it provided that—

> "Such Board should not be permitted to interfere in any way with the religious instruction imparted in any school, or impose any terms or restrictions except such as are obviously necessary in order to secure efficient secular instruction,"

it being provided that teachers might use the Bible in their schools for undenominational teaching. That plan was not accepted, and unfortunately under the Privy Council religious teaching was enforced, Inspectors were charged to report upon it, and thus the Nonconformists had to act apart, since they could not participate in the public grants. The right hon. Baronet the Member for Droitwich (Sir John Pakington) said the other night that an undue interference on the part of the clergy was a thing of the past. All he could say was, that the very existence of the League might be traced to a jealousy of the clergy, and to a resolution on the part of a large class of the people to manage the schools for the poor apart from their control. The right hon. Baronet was that very night, he believed, presiding at the annual festival of the Infant Orphan Asylum, the history of which institution furnished a signal instance of the action complained of. The asylum was founded by a Dissenter, and reared mainly by Nonconformists and Liberal Churchmen. It was designed for infants of all creeds. After some years the clergy obtained influence enough to pass a law requiring every child to learn the Church Catechism; the result was that the founders were thrust out, violence was done to the feelings of many parents, and the Dissenters were obliged to found the Reedham Asylum, while their original charity was appropriated as a Church of England institution. The right hon. Gentleman appeared to think that too much was made of the religious difficulty. The real religious difficulty was the fact that there was in this country a dominant Church, and the clergy felt bound to look at her interests as of primary and paramount importance, and many of them did not evince even a fair spirit of toleration, far less of equality—the spirit in which he conceived this Bill to be founded. He might mention one case—one out of many—the facts of which he had then in his hand. In the neighbourhood of Seaford, in Sussex, a clergyman farmed his own land. He found out that three labourers, his tenants, sent their children to what they thought the best school; but as that did not happen to be the Church school, he gave them notice that unless they sent their children to his school, they would be discharged, and they were discharged accordingly. Rather than lose his situation, one of these men sent one of his children; but because he would not withdraw the other from a mistress to whom she had become attached, he was discharged. His (Mr. Reed's) informant said—

> "I met the Rev.—(it was not any part of his (Mr. Reed's) purpose to expose his name before the House)—and I said I thought it was a great shame such compulsion should be used, and he told me he considered he had a right to do it, and he would not have a man work on his farm who sent his children to the chapel school."

Now, that was a parish where the population was 1,500, and the Dissenters had a school of 251. What was to be said of those things? That they did exist, especially in the rural districts, no one knew better than the right hon. Gentleman, because he had been bold enough to rebuke such bigotry; but let him (Mr. Reed) tell the right hon. Gentleman that it was such acts as those that led many Dissenters to say, rather than run the risk of the licence to "read the Bible" being made the vehicle for the clergy forcing their views upon the children in the new State schools, they would unite with the League in demanding that no reference to religion should be allowed, and no Bible be permitted in the schools. That was the object and that the meaning of the Motion of his hon. Friend the Member for Merthyr Tydvil; and it was only because he (Mr. Reed) thought he saw in the Bill a provision against those abuses that he did not vote with his hon. Friend, but, on the contrary, gave a frank support to the Government. He trusted that no antipathy to such conduct on the part of certain of the clergy of the Church of England would force the Dissenters to support a scheme which would tend to train up a nation of infidels. Bad as the conduct of some clergymen might be, he, for one, was not prepared to subordinate his Christianity to his ecclesiastical opinions; and, largely as the Education League was supported by Dissenters, their support, it ought to be understood, was not generally given to the proposal to discard the Bible. The Dissenters must not be considered as wishing to obstruct the measure; but they did desire to take a guarantee from the Government that sufficient securities should be given and taken against such persecution. While, therefore, he was prepared to accept the clause that, in rate-aided schools, no catechism or religious formulary should be used, he had given Notice of an Amendment, not differing greatly from that of his hon. Friend the Member for Manchester (Mr. Jacob Bright), to add these words—

> "Nor shall any teaching having reference to the doctrinal peculiarities of any religious denomination be permitted."

That, it seemed to him, would be a safeguard, and the Government had admitted that there was need of some binding clause to prevent the teaching of the doctrines contained in the Catechism even where the Book was prohibited. It was a mistake to suppose that even the Sunday schools of the Dissenters were used for sectarian teaching. For 30 years he had devoted himself to both day and Sunday schools, constantly visiting them, and he knew that, as a rule, catechisms were not taught in Sunday schools. The religious teaching in the day schools was precisely that which Dr. Mortimer used in the City of London School, where the Bible was used every day for practical teaching, and yet during 16 years, as a member of the Committee, he (Mr. Reed) never heard a complaint from anyone of the abuse of the privilege. He agreed with the Vice President of the Council that it would be a monstrous thing in this country to exclude and discard the Bible, and as Mr. Cobden had been quoted, he took leave to say that both he and Mr. Fox (the late Member for Oldham) had advocated the retention of the Bible even in secular schools. The fact was, a new party had appeared in the country, and they advocated a system void of religion, which was "pure secularism," and they dignified it by the name of "education." If he (Mr. Reed) knew the meaning of words, this was a misapplication of terms. Children were compound beings; they were gifted with a moral and an intellectual nature, and if we desired to reclaim and to rescue we must deal with the heart as well as with the head, and that was true education. Mere knowledge would never keep boys out of crime, though it might make them clever enough to keep out of prison; and it would serve no good end to the State to make children a mere herd of reading and writing machines. The neglected children of the country were most in need of the kindly influences by which conscience was touched, virtue implanted, and character moulded and fashioned; and the power of the teacher rested mainly in such forces as had their ultimate appeal in God's Holy Word. The secular system separated knowledge from wisdom; but "the fear of the Lord was the beginning of wisdom," and this "fear of the Lord" was true religion. Parents could not always teach it, for they did not know it. They were willing that we should teach it, witness 3,000,000 of children entrusted voluntarily to the Sunday schools, and no one objected. He would ask those who feared the abuse of the privilege of Bible reading, who would teach poor children of tender years controverted doctrines? It was urged that the clergy and ministers would attend to it after school hours, and his hon. Friend the Member for Bradford (Mr. Miall) had said "that it was their proper duty." He was surprised to find his hon. Friend willing after all to admit that the parties responsible for the religious education of the people were the order of the ministry. The fact was, no permission to the ministers of all denominations to come at the end of the school to teach religion would avail. The attendance would, of course, be voluntary; the result would be that as soon as the volunteer religious teachers—be they clergy or not—walked in, the liberated children would walk out, and thus there would be no religious instruction at all. He held that the teacher was the proper person next to the parent for unsectarian religious teaching; and no high-minded teacher would consent in his moral training and the discipline of his school to be prohibited from referring to God's authority as above his own. The Bill was not all he desired, but it was a fair and practical measure. It contemplated the education of every child in the realm. It did not break up the existing machinery of the country, nor did it break down the self-reliance of the people. It recognized the parental duty, and it required the parents to pay. It did not burden the country with needless taxation; it proceeded upon the wholesome maxim that a man valued what he paid for. Those who could not pay it helped—those who could, it obliged. It gave time for the nation to do the work by their own schools; it would do it for them, and at their charges, if they neglected the warning. It did not enforce religion, neither did it proscribe it. It secured liberty to teach it or not—and to hear Bible reading or not. Its only test of merit was secular, and its aid was given on such results alone. The management of the rate-schools was popular, the inspection alone was governmental; and this Bill was a part of a great whole, which, when perfected, would give to this country what it had never yet had—a national system. It commenced with the elementary schools, advancing to the middle class, proceeding to the public schools, and ended with the Universities; a plan by which, he trusted, it might be easy for any clever child to ascend the ladder of merit, helped where he needed it, and hindered by no test, or unequal conditions, from the English village school to the honourable places of the Universities of the land.

MR. HIBBERT said, he was prepared to accept the proposals of the Government in the spirit of compromise suggested by his right hon. Friend the Vice President of the Council; but he was sorry to hear the Government were going to take their stand upon the words they had placed on the Table, and were not willing to discuss the clauses of the Bill in Committee. He had listened to the whole of the debate, and while he had heard much said about the imperfections of the Bill, he had heard very little about its merits, which, in his opinion, were very great. In the first place, the Bill sought to provide education for those who had hitherto been unable to provide it for themselves. It enabled the people to provide it by their own voice and their own vote. It placed secular schools upon the same footing as denominational schools. It also proposed to separate religious teaching from secular teaching in the schools. It further proposed that inspection in future should only be for secular teaching. The Bill also gave a Time Table Conscience Clause. These were great steps in advance, and the House ought gladly to accept the measure, trusting that further Amendments would be made in the future. The Education Question could only be dealt with in a spirit of compromise, and he looked upon the Bill as based upon that principle. The hon. Member for Merthyr (Mr. Richard), and others acting with him, were in favour of having the Bill postponed for another year; but he maintained that they would be no nearer a settlement next year than they were at present. There were difficulties connected with the proposed increased grants to denominational schools, and he hoped they would receive serious consideration when the Bill went into Committee, with a view to the insertion of a clause providing that if an additional grant was to be given to denominational schools, each denomination should raise a certain amount of voluntary contributions. He found, from the last Report which had been issued by the Privy Council, that the money expended on aided schools in England and Wales, leaving out the expenses of the Government Office in London, was £1 5*s.* 8*d.* per child. Of that sum the Government grant amounted to 8*s.* 2*d.*, school fees to 8*s.* 3*d.*, 7*s.* 7*d.* being derived from voluntary contributions, and

1*s*. 8*d*. from the collections at churches and endowments. Now, under the proposal of the Government their grant would jump from 8*s*. 2*d*. to 12*s*. 3*d*., so that, other sources of income remaining as they were, the amount required to be raised by means of voluntary contributions would be only 5*s*. 2*d*. Now, in the country districts voluntary contributions were much larger than was generally supposed, while in the great towns they were very small indeed. The proposal of the Government, therefore, to give additional aid was not bad when applied to schools in the rural districts; whereas the reverse was the case when it was made applicable to large schools in populous towns. The result would be that such schools would be carried on entirely by means of Government aid and school-pence, and that there would be no necessity for voluntary contributions. Now, if denominational schools could be carried on by Government grants and school-pence, the principle laid down the other evening by the Prime Minister would be completely broken through—he alluded to the principle that the Government did not pay for the religious teaching of children in denominational schools. He was of opinion, therefore, that the Government should require that a certain proportion of the money for these schools should be raised by means of voluntary contributions. The amount might be fixed at one-sixth of the total expense, or at an amount equal to one-third of the Government Grant. With the proposal to increase the grant in rural districts he did not at all find fault, for under the present system schools could not be carried on in those districts. As regarded the question of secular instruction he had met with very few persons, and had seen but few documents favourable to a purely secular system. All of them proposed some way of meeting the difficulty, and even the hon. Member for Merthyr Tydvil himself made some concession by allowing religious instruction to be given through voluntary agencies. He held a letter written by the Rev. Thomas Binney in reply to a request to join the Birmingham League; while approving of the exclusion of the Church Catechism from the schools, the rev. gentleman advocated the daily reading of the Bible, and remarked that to exclude the Bible from the schools would be the tyranny of the minority against the great mass of the English people. The Bishop of Exeter, in giving his opinion on the subject, said he did not think that the teaching of formularies to children made any deep impression taken by themselves, nor did he think that the mere teaching of the Catechism would make a child grow up a Churchman in after years. The Rev. William Rogers, Canon of St. Paul's, had expressed a similar view. In a Report presented to the House from four large towns, he found that there were in Birmingham, 80 schools supported by religious bodies, and 255 which belonged to no religious bodies; in Leeds there were 83 supported by religious bodies, and 95 which belonged to no religious bodies; in Liverpool there were 111 schools supported by religious bodies, and 158 which were unconnected with religious bodies; and in Manchester there were 89 schools supported by religious bodies, and 56 which were not connected with religious bodies; and in most of the schools not connected with any religious body there was Bible teaching, without dogmatism or formulary. Speaking of the private schools held in chapel buildings in Birmingham, and attended by 2,000 children, Mr. Fitch said the teachers described the teaching as undenominational, and that some gave Bible lessons. There was a similar Report with respect to Leeds; and surely we might in legislation safely follow what had been done by the very class of people who would elect the school Boards. The British and Foreign schools were not conducted according to sectarian teaching. The Scriptures were read from the desk at the opening of school; later in the day they were read in the classes, and explanations were given of the meaning of words and the connection of events, and moral lessons were deduced. This had been done for 62 years. Could there be anything very difficult in applying this system to rate-aided and rate-provided schools? The Calvinistic Methodists of North Wales approved and adopted this system, the carrying out of which in a large number of schools in England and Wales involved no difficulty whatever. He held in his hand a letter which he received the other day from the minister of a college of Independents in Lancashire, in which he stated that he had three schools embracing 600 pupils, and over these he had placed five teachers—one a member of the Church of England, one a Wesleyan, one a Swedenborgian, one an Independent, and one a Baptist, and the schools were attended by the children of Churchmen, Wesleyans, Baptists, and other Protestant bodies, many of whom went to denominational schools on the Sunday. There could, then, be no difficulty with regard to the national teaching of the Bible now before the House. The difficulty was only in theory; and if the people who had children to educate were left to themselves in the matter, they would soon discover how to establish the necessary schools on the system of Bible teaching. He could not support an Amendment in favour of secular instruction for the children of the poorest classes; and if volunteers were ready to give them religious instruction out of school hours, he could not understand why they did not attempt it now. Secular schools would not meet the necessities of children subject to no religious influence at home. With regard to the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple), which had been adopted by the Government, he did not think it satisfactory; he would omit the words relative to distinctive teaching, and add words in the spirit of the Amendment of the hon. Member for Manchester (Mr. Jacob Bright). He could not understand why so much ridicule should be thrown on the proposal to establish undenominational schools. From 1839 the Committee of Council had aided schools which were called "undenominational," in which Bible reading should be given. The Wesleyans had a form of trust deed for undenominational schools, and it said—

> "The instruction shall comprise reading, writing, arithmetic, geography, and Scriptural history, and it shall be a fundamental regulation and practice of the school that the Bible be daily read therein, and that no child shall be required to learn any catechism."

In these cases the difficulty was actually met, and if it were done by the Committee of Council, and in trust deeds, why could it not be done in Act of Parliament? Again, the Education Commission of 1861 recognized such schools, of which it said—

> "There are some schools in which the Bible is daily read, and from which all religious formularies are excluded, while they are not connected with any denomination nor with any established society."

As to attendance, the efforts of the Manchester Education Aid Society, which paid school fees for the children of poor parents, and could not get them to school, showed conclusively that nothing but compulsion would meet the necessities of the case. It had been suggested that the indirect compulsion under the Factory Acts would almost effect what was wanted; but he held in his hands a Return showing that in the four large towns of Liverpool, Manchester, Birmingham, and Leeds, the operation of those Acts had been almost a failure in procuring the attendance of the children at school. Therefore, nothing but direct compulsion would effect the object, and he thought they had better have nothing to do with compulsion than attempt to carry it out on the plan proposed in the Government Bill. Before concluding, he would appeal to the supporters of the Amendment, and ask them whether they were determined to put off this great question until they got exactly all that which they wanted? He did not think that they would gain their object by delay, for people on both sides of the question felt strongly, and, considering that the present denominational system had been carried on for 30 years, and that the persons connected with it had been labouring in the cause of education all that time, he, for one, was not prepared to knock down that system. He did not see why it might not exist side by side with the other. Under the Bill the greatest liberty of conscience was provided for. Schools could be appointed for secular instruction; schools could be appointed for secular and religious instruction. He trusted the measure would not be put off till next Session, knowing as they did that in Birmingham there were 21,000 children between the ages of 5 and 13 not under instruction at all; that the number in Leeds was 17,000; in Manchester 24,000; and in Liverpool 47,000. In 1851, Mr. Cobden declared that, being aware of the enormous difficulty of dealing with the subject of education arising out of the religious element, he would feel grateful for any aid, from whatever quarter it might come, having for its object to secure a better education for the people; and, in like manner, he (Mr. Hibbert) appealed to hon. Members to abandon their peculiar views, and let the present Bill pass, with the intention to improve it, if necessary, in future years. With such feelings, he should vote for going into Committee.

MR. GORDON said, this question could only be settled by concessions being made by all who were really anxious for the establishment of a national system of education, such as the Bill before the House would tend to secure, either by means of existing denominational schools, or by the rate-supported schools which it would call into existence. The views he entertained on this subject were in exact accordance with those expressed by the right hon. Member for Droitwich (Sir John Pakington). In Scotland they had never experienced any difficulty with respect to a Conscience Clause, even when the Church of Scotland enjoyed the monopoly of education, and the struggle that had taken place in England over that question was wholly foreign to them. He saw no objection to the system of rate-supported schools, and he adopted the principle of compulsion; indeed, if necessary, he was prepared to carry out that principle to its fullest extent—although he admitted that great caution must be exercised in its application, for it had been truly remarked that the teacher was the soul of the school. A difficulty would probably arise at first in procuring a sufficient number of efficient teachers, and until that was overcome it would be dangerous to enforce compulsion in all its severity. He was glad to find that the question of denominational schools had been for the most part discussed in so tolerant a spirit, and it seemed to him only just that the existing ones should continue to receive help from the State, seeing they were established on the faith of the promise that such support would be afforded. He observed, in regard to the Amendment, that the issue it really raised—the separation of religious from secular education—had not been recognized by the hon. Member who represented the Birmingham League (Mr. Dixon); and, speaking from his own experience of educational institutions in Scotland, he ventured to say that "the religious difficulty" was neither a practical nor an educational, but a theoretical or political one. There was, unfortunately, considerable diversity of opinion in Scotland in relation to ecclesiastical matters, and the schools of the Established Church and those of the Free Church were in apparent opposition to one another; but, notwithstanding this religious difficulty, the children of the Free Church denomination attended the Established Church schools, and *vice versâ*, while more Roman Catholic children attended the Episcopalian schools than attended the Roman Catholic schools. This was a proof that the question involved a theoretical and political rather than a practical difficulty. With regard to the abstract right of the State to vote money for denominational schools, the point was this—whether, education being necessary to make good citizens, the State was not fully justified in calling upon members of all religious denominations to contribute to the support of so useful a work even in calling upon a Presbyterian (for example) to contribute to the religious instruction of those children whom it was intended to bring up in the Episcopal Communion. He should be sorry to introduce anything like religious acrimony into the debate. He rejoiced at the calm and dispassionate tone in which the subject had hitherto been considered; but what was the principle on which the voluntaries objected to this Bill? They had originally laid down the proposition that there could be no proper and sound education from which religion was excluded, and upon that ground they had denied the right of the Government to interfere on educational matters, and had, consequently, declined to accept any school grant from the State. When, however, it became self-evident that voluntary efforts were not sufficient to overtake the educational destitution of the country, they had relaxed the rigour of their principles, and had consented to accept State aid. The result was that the hon. Member for Leeds (Mr. Baines) had acted a more consistent part than those hon. Members who, having maintained that religion was an essential element in education, now asked that secular education should be supported, but that no support should be given to that which they maintained was a most essential element of education. Therefore, in stating that, he should prefer that his children should be brought up in a Church of England school rather than in a school in which no religion at all was taught. He was happy to find his right hon. Friend the Member for the University of Oxford (Mr. G. Hardy) say that, though a member of the Church of England, he would not hesitate, if he were in Scotland, to support a Presbyterian school; and, in like manner, he (Mr. Gordon) though a Nonconformist in England, would not hesitate to give money for the support of an education based on a religion which was not his. Even the hon. Member for Merthyr Tydvil maintained that religion was an important part of education. How, then, was that important part of education to be given at the new schools? It was proposed to be left to the parents of the children or to the clergy. Now, to leave it to the parents was an altogether hopeless matter. The rate-supported schools were intended for the poorest classes of society, and though he did not doubt that there were individuals in those classes who were animated by more profound principles of religion than they were in their more comfortable circumstances, yet the great mass of them were negligent not only of religion but even of education. In addition to this there were the difficulties of time and place, so that, upon the whole, if they were to leave religious education to the parents he feared it would be altogether neglected. As to the clergy, they had work enough already arising out of their clerical duties; and the country had no experience of clergymen, whether belonging to the Established Church or to Dissent, taking any active part in the work of instruction. They took the office of managers, and carefully fulfilled the duties; but it was too much to expect that they would undertake the work of instruction. They had experience of the inability of clergymen to attend to these duties, both in Canada and in Ireland, where, though they were expected to attend the schools, it was found in practice that not above two or three ever did so. It was a maxim in Prussia—that great country from whence they drew so many of their educational maxims—that what you put into the life of the nation you must first put into the child, and, therefore, every care should be taken to give the child a religious education. With reference to the very stringent Conscience Clause in the Bill, he submitted that great care would have to be taken that its wording did not force religion into a corner, and that it did not create a feeling in the minds of the children that religion was a matter of no importance. He was inclined to regard the denominational management, subject to State inspection, as the best system to adopt; for if Parliament insured that general education was good by organizing State inspection there was no need to quarrel over other matters. He had a fear in considering the original Bill that discord would arise in the local Boards over the religious question; and this appeared to be the feeling of the First Minister of the Crown when he introduced the recent changes to the notice of the House. The Bill, as it at present stood, excluded formularies, and thus tied up the free religious action of the majority and prevented discord. The denominational system, with a stringent Conscience Clause, was the only way in which all persons had a free choice; an Atheist might withdraw his child from a denominational school and have his will, but a Churchman could not get his child taught religion if the system adopted were purely secular. Yet even Mr. Spurgeon declared that he would object in the strongest manner to a Government setting up schools which did not teach religion. The fear of instilling dogmas into the minds of children was groundless; dogmas could not be made sufficiently clear to a child's comprehension; and the only advantage gained by teaching formularies and catechisms was that they assisted children in after-life to interpret doctrines from the pulpit. If, then, the House was agreed in the expediency of discarding formularies and catechisms for fear of discord in the local Boards—if it was agreed that religion was essential and that such instruction as he had described would be sufficient, why should not the matter be settled on that basis, and the difficulty be removed for ever? At first the vote that there should be a religious education would probably be carried; but the advocates of secularism would return to the charge again and again, and they would in time carry their point. All this might be removed if the Government were to say in their Bill that there should be religious education in the new schools. He commended the Amendment of which his right hon. Friend (Sir John Pakington) had given Notice to the attention of the House, as providing the proper solution of the difficulty. He ventured to think this was still a Christian country; the Sovereign went through a religious ceremony on ascending the Throne, the proceedings of that House were commenced by the reading of prayers, and laws were instituted against un-Christian acts. Why, then, should Parliament hesitate, in a matter which related to the religious education of the young, in making some provision which would remove a source of discord from the local Board, and give expression to the almost unanimous opinion of the House? If it did so it would truly place itself in harmony with the view of Her Majesty, when she said—"The Holy Scriptures are the true source of England's greatness and of England's glory."

Mr. BAINES said, the right hon. Gentleman was perfectly right in saying that the very ground of the position originally taken up by the voluntaries of England in opposition to Government interference and aid was that they considered religion to be an essential part of school teaching. What he now maintained was that the Government should take no part *pro* or *con* in religious education. It was undoubtedly the fact that the Government had dissociated themselves from either enforcing or prohibiting religion in the schools of the country. This was the great merit of the Government measure, of which he cordially approved. Still the working of the measure would, he believed, be altogether in favour of religion. We might safely trust the religious feeling of the country both among Churchmen and Nonconformists, and he was confident that in almost every considerable town the ratepayers would elect to the school Board men who would insist upon a Bible education being given. It was his sincere conviction that the interests of religion would be better settled by leaving the people to their free action, than by the Government attempting to dictate to them the course they should adopt. He had always been of opinion that there were two impracticable courses with regard to the religious difficulty. The first of these was the exclusion of the Bible. It would be impossible to exclude the Bible in consequence of the great reverence of the people for it, and of the immense advantage of connecting religion with the education of the young. It was equally impracticable, considering the way in which sects were divided, and the great power of the Nonconformists, to work a measure which insisted on distinctive doctrinal teaching being given in rate-supported schools. Therefore he differed on the one hand from his hon. Friend (Mr. Richard), and, on the other, from the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), both of whom seemed to maintain that what they called a colourless religion was impracticable, and that, therefore, distinctive theological teaching must be given in the rate-supported schools. The hon. Member for Merthyr Tydvil proposed to dissociate from elementary education that religion which was one of its primary and best elements, and then to send the children haphazard anywhere or nowhere in the hope that they would receive religious instruction; but his hon. Friend had not given the House the faintest idea as to how the thing was to be worked. He never heard of a more impracticable scheme. His hon. Friend said that the work should be left to the ministers of religion. The Nonconformists, however, did not desire the work to be left to them. [Mr. Richard explained that he had never said anything of the kind.] In that case he had misunderstood his hon. Friend. Ministers of religion had not the time to give religious instruction in the schools, and who, then, was to impart it? The Sunday school teachers certainly could not, because it would be impossible for them to attend on week-days. He knew thousands of them, and knew that they generally belonged to the industrial classes. They found it impossible to get any large and regular attendance of voluntary teachers to teach the evening classes at their Mechanic's Institute. To a great extent he agreed with the hon. Member for the Universities of Edinburgh and Glasgow as to the freedom, harmony, and efficiency often found in denominational schools; they worked harmoniously because the committee, officers, and all the parties concerned were accustomed to work together in matters of religion and charity, and they agreed very completely in their principles. He, therefore, entirely differed from his hon. Friends who so strongly and bitterly opposed denominational education. He, for one, was not afraid of it, as it appeared to him that denominational education was the natural fruit of religious liberty. He had been told by clergymen that the children of Nonconformists who attended the Church schools remained in after-life as staunch Dissenters as if they had never studied there. There was very great value in denominational teaching, and he should be one of the very last to seek to frown it down. He was shocked to find it precluded in the schools in Holland, because he looked upon its prohibition as an interference with religious liberty. But while he was not unfavourable to denominational teaching, he was most favourable to undenominational teaching in the new schools. He had the pleasure of visiting the other day, with his hon. Friend the Member for Birmingham (Mr. Dixon), the annual meeting of the British and Foreign School Society, and he was sure his hon. Friend would bear him out when he said that a lesson more illustrative of good Scripture teaching could not be given than they had heard on that occasion. So good was it that his hon. Friend said that he could ask for nothing better. He did not understand the course taken by his hon. Friend the Member for Birmingham when he said that he would support the Amendment of the hon. Member for Merthyr, for his hon. Friend, as Chairman of the League at Birmingham, had taken up the express ground of unsectarian teaching. He did not know whether his hon. Friend was secular or unsectarian in his views; he seemed to be pulled both ways in turn by the conflicting parties within the League. As to hon. Gentlemen opposite, of whose religious and educational zeal he was well aware, they would, he could not help thinking, make a great mistake if they insisted on the teaching of denominational religion in the rate-supported schools. They had a great concession made to them when their own schools were given up to them. A Conscience Clause was, it was true, required; but it was now admitted on all hands that that was a good thing, and it was the only restriction which was imposed. Consequently, they had got, and very properly, possession of those schools which by their own zeal and liberality they had created. Why, then, should they not allow the rate-supported schools to be established on the undenominational principle? The schools of the British and Foreign Education Society were all conducted on that principle, and with the greatest success. Why should not members of every persuasion combine together in the performance of a great Christian duty? A Petition had been presented that evening by his hon. Friend the Member for Sheffield, signed by nearly 400 clergymen of the Church of England, as well as nearly 900 Nonconformist ministers, in which they stated that they could and would agree together in teaching the elements of religious instruction; and he had been told by many Nonconformist ministers who had signed the documents of the Education League, that they never intended to prohibit the teaching of the Bible in the schools. The Prime Minister had received a deputation from dignitaries of the Church of England, from some of the most eminent masters of public schools, as well as from Nonconformist ministers from many towns in England, and they all concurred in saying that they could teach the elements of religion if allowed to do so in harmony together. When our missionaries went to foreign lands they met together, whether Churchmen or Dissenters, and held together their religious services. In the autumn of this year a great conference was to be held in New York, of members of all Protestant Churches in Europe and America, who found they could heartily agree in fundamentals of the Christian faith. He mentioned these facts to thow that it was perfectly possible to have the teaching not of a colourless and soulless religion, but of the full-hearted Christian doctrine of mutual love and duty. It was practicable, therefore, to have education conducted in that way. In conclusion, he would point out to his Nonconformist Friends that great progress had been made within the last few years in the direction of concession to their views. Religion was, in the first instance, no longer made a condition of the Government Grants; secondly, religious inspection had been abolished; thirdly, grants were to be made to secular as to religious schools; and, fourthly, the Conscience Clause had been granted; while in the case of the new schools, in accordance with the recent Amendments of the Prime Minister, religion was to be left to the ratepayers and the parents of children, in perfect reliance on the religious sentiment of the English people. The whole body of the ratepayers were to elect the school Boards, and every facility was to be given for the expression of independent opinion. He gave a hearty, but not an undiscriminating, support to the Bill, wishing that, upon some of the points mentioned by the hon. Member for Oldham (Mr. Hibbert), the Ministry would reconsider the decision they had come to, for they had unnecessarily alarmed those who were opposed to sectarian teaching. He believed that the Bill was calculated to do more than any other measure of his time to raise the character, the intelligence, the morals, and the prosperity of the people at large.

VISCOUNT SANDON said, the several nights' debate which had taken place on this Amendment had not been wasted or thrown away, for it was observable, as speech after speech was delivered, that the two sides of the House were coming more and more into accord. Liberal Members were beginning to see that those on the Conservative Benches had made large concessions, and that the clergy of the Church had shown great self-command in the way in which they had received proposals with regard to the Conscience Clause, the banishment of formularies from the rate-founded schools, and the giving up of denominational inspection. With regard to what had fallen from the hon. Member for Birmingham (Mr. Dixon) in the early part of the evening, he was bound to say that, much as he differed from the Birmingham League, he thought they all owed a great debt to that body for stirring up the country to its very depths on the subject. The hon. Member for Birmingham, whom he respected as a neighbour and a friend, gave them too much of the opinions of other people rather than his own; and it struck him that he treated hon. Members as if they were the uneducated class for whom the House was legislating, and as if they did not read the newspapers. He (Viscount Sandon) was glad to say that the whole tone of the Liberal Press of the town which he partly represented was in favour of the Government scheme of education, and of the changes made by the Government in that scheme within the last few days, and was opposed to the views of the hon. Member for Birmingham. His hon. Friend seemed to treat this question as one between town and country—between squire and parson. Did the hon. Gentleman recollect who many of the squires were now? Some of the leading squires in his (Viscount Sandon's) district were gentlemen whom, to their honour, had acquired large fortunes in trade, and now took the lead in the politics of their neighbourhoods. Those gentlemen were generally acting zealously with the parson. The reason why hon. Members had come to much greater agreement was that they had faced more and more the class for whom they had to provide education; they had seen that the children of the best artizans and agricultural labourers were already in our schools, and that the population with which the House had to deal was that floating one which was destitute of good home influence. He read with care a supplement to *The Nonconformist*, published four or five years ago, which gave a survey of the condition of the metropolis and arrived at the conclusion that there was 1,000,000 of the population of London beyond the reach of ministers of religion of any religious body, and for whom there was no provision in the way of church or chapel, however much the people might wish to go into them. Now, it was the children of that population for whom they were now endeavouring to provide education. Was it not a dream to suppose that these children would be supplied with moral and religious teaching when there were no ministers to teach them, and when in their homes no moral influence was to be found? In the face of these dreadful realities sectarian difficulties appeared miserably small and petty. The debate was clearing the way for Committee, and he thought he might be doing some service if he called attention to two or three dangers which stood in the way. It was all important, in order to bring this measure into successful operation, that they should enlist the sympathies of the classes that were to be affected by it. But was there not something like a snare in their way in the shape of the rates which it would involve? They were all aware of the great increase lately of our local rates. If they largely augmented those rates they would incur the danger of turning the feeling of the town populations against those schools which had occasioned such increase. A recently-issued Return showed that the amount of the poor rate per head was as follows in the years named:—1863, 8*s.* 4*d.*; 1864, 9*s.*; 1867, 9*s.* 8*d.*; 1868, 10*s.* 0¾*d.*; and 1869, 10*s.* 5*d.* With the great increase in local taxation exhibited by these figures the House must be careful how it imposed additional local burdens. In our large towns great wealth escaped these local burdens, which fell in a great degree upon those least able to bear them, for the domestic establishments of wealthy men were generally far outside the town boundaries, as was well explained last year by his hon. Colleague (Mr. Rathbone). It was quite clear that the remedy for this was in the direction chosen by the Government. Again, it was essential that in the large towns they should carry the parents with them, and here was another danger to be encountered, and that was in regard to the principle of compulsion which, in his opinion, was the pith of the whole difficulty. People talked of compulsion as if it affected only the children not now in the schools; but it was notorious that perhaps the greatest evil in existing schools was the irregularity of attendance of the children: therefore, a complete system of compulsion would be felt by almost every parent of the class in question throughout the country—surely this showed at once that the question of compulsion was no trifling matter. It was undoubtedly safer in this matter to make compulsion permissive as in the Government Bill; but he ventured to suggest that it would be desirable to give this permissive compulsion not only to the school Boards but to Town Councils and local authorities all through the country. There was a large class with respect to whom the State stood almost in the position of parent or guardian—namely, the children of those receiving out-door relief. The number of those children amounted to 150,000. The great proportion of them were, according to the Report of the Duke of Newcastle's Commission, miserably educated, and many of them received no education at all. The last Return obtained this year by his hon. and gallant Friend the Member for East Somerset (Major Allen) showed that 64,000 went to some schools; 17,000 were educated at the cost of the rates; 30,000 went to no school nor to work; and 10,000 went to work, but did not go to any school at all. He did not mean to say that the payment for the schooling of all these children should be borne necessarily by the rates, as was now allowed by Denison's Act; but a certificate might be required from the parents, or from those who were responsible for the children, that they regularly attended some school, for this was the very class from which almost the whole of the criminal population came, as would be gathered from the evidence of Sir Joshua Jebb—no mean authority—and one always to be mentioned with honour and respect. He could not help pointing out that by hampering too much the rate-founded schools with conditions, the valuable ties which existed between the various classes connected with the schools for the poorer population might be destroyed. The teachers for the poor free schools were not obtained by money. They had in London 30,000 children in the free ragged schools, and 15,000 in the evening schools. There were 400 paid teachers, and, in addition—a noble army—3,300 unpaid teachers. What were the ties created in these schools? The unpaid teachers comprised in their ranks young men and women from shops, ladies, lawyers, doctors, tradesmen, and merchants—men also from that more gorgeous gilded chamber across their own Lobby, and others in various positions in life, who worked together year after year in that gallant host. What he mentioned of the metropolis was only an example of what they all knew was going on in the other large populations of the land; and, surely, every care was needed, lest by their legislation they should discourage the zeal of that noble array of volunteer teachers who were the very salt of our population. He rejoiced to see that, according to the Bill as it now stood, in the provisions for the rate-founded schools they had carefully avoided anything like a disrespect for religion. Great as might be their political differences, their debates had shown that the House and the country were determined, at all events, that religion should be honoured in every school. If he had his own way he confessed he should have been most reluctant to have given up the use of a religious formulary. He could not help thinking that the heads of the leading Protestant Churches in the country might be got together, and that a decision might be come to by them as to the adoption of a certain formulary, which should not be distinctive of any particular denomination, and which would be a guide for the teachers in the schools in explaining the simple principles of their common Christianity. There was a serious difficulty in each teacher teaching Christianity in his own fashion, without the guide of any formulary, and there was a danger that in despair the school Boards might forbid them to teach religion at all. He had just been looking over an interesting Parliamentary Paper, which gave the number of all Nonconformist places of worship, and showed that 17,500, the very large proportion of the whole—belonged to the Wesleyan Methodists, the Congregationalists, and the Baptists; and he doubted not that these bodies could agree with the Church of England in framing such a formulary as he proposed. While wrapped up in the consideration of this great question of the religious difficulty, they must not forget another danger awaiting them in the enormous power with which the Education Board was being endowed. They were creating a central authority, with undefined and almost unlimited powers. He would be quite content to leave the power in the hands of the Vice President of the Committee of Council on Education; but occasionally great and sudden changes took place in the autumn months, and he should not be surprised if in February next, for instance, they found his that right hon. Friend the Vice President had been sent on a mission to Japan, and his place had been taken by the First Commissioner of Works (Mr. Ayrton). There ought to be some statement in the Bill as to what was to be considered the school age of the children, as to the standard of efficiency and as to certificated teachers; otherwise too great power would be left in the hands of the central authority. Some conditions ought also to be stated as to school buildings, their size and position and tenure. His Nonconformist friends, for example, would possess large power if they were permitted to have their schoolrooms under their chapels. There ought also to be a provision with regard to normal schools. He hoped the House would rise to the height of this great question; for not only were the more intelligent classes of the people watching their proceedings, but the great masses who belonged to no particular denomination were watching them as well, and would have a poor opinion of their forms of Christianity if they found that they prevented them from giving them that religious education, which, every inquiry showed, they desired for their children. Considering, then, the condition and the wishes of these members of the community, he sincerely trusted hon. Members would not allow any miserable sectarian feelings to prevent the establishment of a great national system which should give to the children of those masses the long-needed blessing of a thoroughly Christian and solid education.

Mr. WINTERBOTHAM said, that as all were earnest in deploring the burden and misery of popular ignorance they must feel the responsibility that would attach to them in rejecting the measure now before the House. The Dissenters were responsible for the opposition to this Bill, and it was they who, 27 years ago, prevented the passing of the educational clauses in Sir James Graham's Factory Act—a measure which, if they had cordially, or even patiently, acquiesced in its proposals, would long before this time have filled the land with schools. Since then education had spread in all directions, and the darkness was now, perhaps, rendered more visible by the light which surrounded it, while a contrast with other countries showed our condition to be critical and serious. If the right hon. Gentleman the Member for North Staffordshire (Sir Charles Adderley), who had questioned the statements of the hon. Member for Sheffield (Mr. Mundella), had read the Reports made to the French Commission on Education by their Commissioners in Germany, he would have seen the enormous progress which that country had made not only in spreading education, but also in raising its standard. The Dissenters had now to ask themselves whether they were justified in opposing this Bill, because the Vice President had told them that the Government would not allow of any Amendment to the Bill, and threw the responsibility upon those who refused to pass its clauses as they stood. How unfair that was he left the world to judge. Hon. Members opposite might well join in supporting this measure, for it was framed wholly with a regard to their opinions and interests, although the right hon. Gentleman the Member for the University of Oxford had spoken of the concession of cherished principles. At first sight there seemed to be something in favour of their argument when they said—"This is not our Bill, but a Bill brought in by a Liberal Government, proposed by a Minister long recognized as a Leader of the Radical party, and enjoying the confidence of an overwhelming majority both in the House and in the country." ["No, no!"] It was hardly worth while to deny that statement, when the right hon. Gentleman had a majority of 100, which might have rendered his Government independent of support from the opposite Benches if there had been produced a measure which would have insured the support of all the Liberal party. The real concession that had been made was a Conscience Clause, and hon. Members opposite thought themselves entitled to say, "This is enough; surely it is your turn now to be moderate." The Dissenters were now charged with a want of moderation, and told that they were allowing the darkness of sectarian prejudice to stand in the way, and were robbing the nation of a noble gift; but when the Conscience Clause was pointed out to him, he asked hon. Members opposite whether they would take it themselves? Would the clergy of the Established Church be content to allow their children to go to Roman Catholic schools under the protection of a Conscience Clause? That was a difficult matter to test in England, because in towns there was ample opportunity for separate schools, while in the country they had it all their own way; but he would ask the Protestants of Ireland whether they would allow their children to go to Roman Catholic schools under a Conscience Clause, and he would also ask Welsh Churchmen whether they would suffer their children to be educated in British schools? ["Yes!"] An hon. Member opposite said—"Yes;" but the Reports of the Inspectors showed that the Church of England population were not so content, for by the side of the British schools they erected Church ones—nay, the clergy were not willing to allow the children of one parish to go to school in an adjoining one if the clergyman there held different views. He asked hon. Members to do the Dissenters some justice, and to remember that there was some ground for their not being altogether content with such a scant measure of religious liberty. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) paraded the concession of a Conscience Clause, and spoke of it as something that was brought out as a solemn sacrifice to the peace of the country, like the man described by De Quincey in his essay on *Murder as one of the Fine Arts*, who, boasting of his exploits, said he tried to preserve a judicious mean between too much murder and too little. He believed the House would give him credit for saying that, if the question before it were merely one of sectarian jealousy, and if it were necessary, in order to secure a national system of education, that the Nonconformists should waive their just and equal rights, he, for one, would patiently submit. There was patriotism enough among Nonconformists to make them ready to do that. They, however, alleged denominational education to be unjust and wasteful; they said it would poison national life, would create division where there should be union, and cause differences which would extend from the cradle to the tomb. He wished to point out that if the system of denominationalism were adopted with regard to this country we should be, as a natural sequence, obliged to pass a Bill that would hand over the education of Ireland to the Ultramontane party in that country. The principle of education in Ireland, as laid down in the famous letter of the late Lord Derby, was that of a united literary education and a separate religious education. That was the foundation of the present system of Irish education, and every departure from it must be regretted as an evil. That principle had been opposed by bigots of every denomination, and had been approved by large-hearted men of every religion. The system was yet in force in theory, and in some degree in practice, but so long as the Acts authorizing it remained upon the statute book it would be opposed by those who desired to obtain the entire control over religious education in that country. The truth was, they were settling the question of Irish national education at the present moment, because if they agreed to establish denominational education permanently in this country, they would be unable to prevent the same principle being applied to Ireland. If a system of denominational education were once adopted in this country, it would have to be extended to Ireland, not merely as it now was as the infringement of a noble principle, but as the principle of Irish education, while every vestige of the existing system would be swept away. The Report of the Irish Education Commission, recently published, recommended the abolition of the system of mixed education, and the Protestants of Ireland would soon learn that the mixed system was the only one under which the freedom of education could be preserved. He would refer the House to a letter published in *The Standard* of Tuesday from Dr. Lee, curate of All Saints, Lambeth. He said—

> "An Irish Roman Catholic of position and influence has just written to me as follows:—'So we are to squeeze out of the Whigs denominational education for this country. In truth the Cabinet is pledged to this, and though the scheme will not be unfolded very probably just yet, yet we shall have it, and on our own terms. Here you see, my dear Dr. Lee, what union and unity can procure even from an inimical State, or rather from a Government inimical to Catholics.' If this be so, and I have every reason to believe that the information is perfectly accurate, I can only recommend the united action of the Roman Catholic clergy in Ireland to the disunited clergy of our own National Church. If denominational education is to be provided in Ireland, why may not an attempt be made to get the same fair play and fair dealing for ourselves? If the English Bishops and clergy, instead of stifling, or proposing to stifle, Mr. Forster by their affectionate and overacted embraces, would as one man ask for the same liberty here, and for the application of the same principle as is to be adopted in Ireland the dark designs of the Education League might be successfully resisted."

A Roman Catholic Bishop (Bishop Keown) had replied to questions put to him by the Commissioners that it would be as fatal to separate religious from secular education as it would be to separate the soul from the body. The right rev. Prelate claimed for the Bishops of his Church the right of controlling education in Ireland in its entirety. The Bishop was asked was there a country where the Bishops possessed this power? His reply was, that it was so in England. Was there, he was then asked, any other country in which this was done? And the reply was, that he was not aware that it was done in any other country. And then he would read the concluding sentence of a Report by a Member of the Commission (Sir R. Kane), himself a Roman Catholic—

> "I have to report my dissent from all the recommendations, having for their object the abandonment of the system of united education. Its overthrow is demanded at the instance of a power unfavourable to civil and religious liberty."

*Mr. Winterbotham*

It was, therefore, chiefly on account of the injurious manner in which it would affect Ireland that he objected to the establishment of a denominational system in this country under the Bill. The present proposals of the Government were, in his opinion, worse than those of the Bill as it originally stood. No person objected to the continuance of the grant to the existing schools or desired that they should be extinguished, although he did not doubt that in the course of time a large number of the private schools would become merged in the public schools which would be established throughout the country under this Bill. The increase of the grants by 50 per cent to denominational schools was entirely novel and gratuitous, and the annual rate for the grant would be certain to meet with great opposition, and it was no wonder that such a proposition should have excited the astonishment, surprise, and suspicion of hon. Members opposite. The right hon. Gentleman the Member for Oxford University had not unreasonably asked why this proposal was not embodied in a Bill; but it was evident that the Government was unwilling to face the country with such a measure in their hand, imposing an annual charge of £250,000 upon the Consolidated Fund. He believed that the effect of the Bill would be to spread the denominational system through the length and breadth of the land, with all its injustice and inequalities. The Home Secretary had said that the Government did not wish to commit the country to any definite scheme; but he complained that, in point of fact, they did commit it to denominationalism, and that it would be practicably impossible hereafter to supply its place by any other system. Upon that ground he opposed the Bill, and upon that ground also he asked hon. Members—whether they agreed with the precise terms of the Amendment or not—to refuse their votes to the Government. But, besides this, the Bill itself was not good. The objections to the original measure were well understood; they were founded upon the general objection to denominational schools, and the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple) did not meet it by merely forbidding the teaching of one or two well-known and recognized formularies. The only proper alternative proposal to the Bill was the Amendment of the hon. Member for Merthyr Tydvil (Mr. Richard); this also was the only logical conclusion, and the conclusion to which the opinion of the country was gradually tending. Upon this point he agreed with the First Minister of the Crown, and disagreed from the Home Secretary. If, as the Home Secretary had argued, the country had not pronounced a definite opinion on the subject, that was because the course of the Government had been so uncertain—their Amendments so various—that the country had been puzzled, and had waited to see whether the Government would, as they hoped, satisfy their reasonable expectations. As to undenominational education, he believed that to be impossible. The country was promised the British school system by the Government; but who worked the British school system? The orthodox Dissenters, which included the Independents, Baptists, Wesleyans, and Presbyterians; and these sects agreed in working the British school system, because there was no difference whatever in their theological opinions; the only difference between them consisted in Church organization. The model schools in Ireland were a success, and Dr. Temple's Report showed that the pupils who had been taught by the clergyman under this system were better versed in the Catechism than those taught by the schoolmaster. Did the Government wish to assert that the Christian people of England were not equal to their duty, and would not rise to it? The tone of the Home Secretary's speech seemed much more worthy of a statesman of the school of Adam Smith than of what he knew him to be—a Christian man. Where was the Government's faith in the power of Christianity? Ministers had faith in Vestries and Town Councils that they would rise to their work; did they think that Christian Churches would not rise to theirs? Why, there never was a time in the history of this land when Christianity had such power over the hearts and lives of men! The duty to educate the young in Christian truth was the duty of Christian men—a duty which they could not shirk or delegate to the State. This duty would not be performed by State Churches, nor by State endowments, nor by sectarian schools, but by the zeal of Christian men and women would Christian light and love be carried into the hearts and homes of the people.

LORD JOHN MANNERS: I must say that, as far as I am concerned, I have no complaint to make of the manner in which the hon. Gentleman and his Friends have conducted their opposition to this Bill, and if the Bill should eventually fail to pass into a law I would be disposed to attribute that more to the efforts of the Government to conciliate the hon. Gentleman and his Friends than to any direct opposition which they have hitherto offered. With respect to another question which the hon. Gentleman put—how can we on this side of the House be expected to do other than receive with gratitude the provisions of a measure which is conceived so much in favour of the existing system?—I would ask in my turn of the hon. Gentleman if he heard the speech delivered in the course of the evening by the right hon. Gentleman the Home Secretary? I can assure the hon. Gentleman that I listened to that speech, as a supporter of the existing system, with feelings very far removed from either gratification or gratitude. The right hon. Gentleman made what was no doubt an able and argumentative appeal to the hon. Gentlemen below the Gangway. But what were the grounds of that appeal? Why, that all the details of their scheme were unfavourable to the existing system, and that if their scheme were carried into a law it would in the end prove fatal to that system. It is true the right hon. Gentleman was kind enough to tell us that this was not the object of his measure, but that in all probability such would be the result. That being the case, though I shall not be deterred from voting for going into Committee upon this Bill even by the speech of the right hon. Gentleman the Home Secretary, yet I cannot agree to go into Committee without making a few observations upon what the right hon. Gentleman told us were the most important and cardinal features of the scheme, and first let me say that the alteration in the Conscience Clause is in itself an alteration to which I, for one, take the gravest exception. I listened with the utmost attention to the speech of the Vice President of the Council, expecting to hear from him some reason for making this great change. But what was the only reason that was assigned by the right hon. Gentleman? Because it was found that in working it would more clearly facilitate the application of the compulsory system all over the country. Now to those who wish to see that compulsory system established that argument may be one of great weight; but to those who, like me, do not believe in the expediency or possibility of applying compulsory education to all parts of the country, that argument is of no weight whatever. I wholly object to disturbing the internal economy of the denominational schools in the hope of ultimately extending direct compulsory education to all the schools in the land. I pass from that to the second great change which is made in the 14th clause, and which consists in the introduction to the Bill of the Amendment proposed by the right hon. Member for South Hampshire (Mr. Cowper-Temple). Now, the first draft of the clause was far more liberal, far more in accordance with the views expressed by the Home Secretary than the clause as it now stands in the Bill. The Home Secretary tells us that the Government intend to leave free the choice of schools. If that were so, why did the Government change the frame of the clause? In the first draft of the clause, the discretion of the managers was clearly allowed; now it is done away with altogether, and the school Board must take their choice between the secular system on the one hand and what is virtually the British and Foreign system on the other. I say that the choice thus offered us is one to which I, for one, cannot consent. The Vice President of the Council spent a large portion of his speech in reading documents to prove that secular schools would never be popular, would never be tolerated in this country. Why, then, did the Government compel school Boards to make their choice between these secular schools and the British and Foreign schools? On what special ground were these schools to be so favoured? The Home Secretary admitted that the British and Foreign schools had not been very popular; but the reason, he said, was that some years ago the Nonconformist bodies objected to State aid; and, therefore, these schools, which were chiefly supported by those bodies, had not achieved the popularity they otherwise would have done; but that now that difficulty was removed their numbers had increased. Well, Sir, I bring this subject to the simple test of figures. What do we find in the last Return that has been supplied us by the Education Department for 1868? It appears that upon Church of England, Roman Catholic, and Wesleyan schools, the Government had expended within a fraction of £450,000. On these popular British and Foreign schools the Government for the same period expended only £63,000. But test the subject in another way. During the same year the number of schools belonging to the Church of England, Roman Catholics, and Wesleyans assisted by the Government amounted to 4,190, against 244 British and Foreign schools. Yet the 14th clause as it stands in the Bill prohibits local Boards from establishing any of those denominational schools the popularity of which is proved by their number, and compels the Board to choose between secular schools, on the one hand, and British and Foreign schools on the other. In the name of freedom, of religion, and of that local discretion of which we have heard so much, I protest against this system. But then we are told—"Oh, we do not mean to exclude religion, but we will not allow the use of a Catechism or other formulary." The meaning of this is that the teachers may teach the Catechism out of the Bible, but they are not to teach the Bible out of the Catechism. It is as if in one of the superior schools it was said—"Oh, yes, we teach languages, but we do not allow the aid of a grammar, dictionary, or lexicon." Now let me pass on to another portion of the Bill. We are told that by the new framework of the Bill the election of school Boards is to be by ballot. Why is the ballot to be in this way intruded into our parochial and municipal elections? What has happened between the first introduction of the Bill and now to bring the ballot into favour? The only thing I have heard of it is the test ballot that recently took place at Bristol. That seems to have been a very joyous and festive affair, and perhaps may have induced the Government to suppose that the ballot would soften the acerbities of the local contests. Otherwise I cannot think why the people should be deprived of the common and accustomed mode of electing their office bearers which they now enjoy. The Bill will be a measure of danger if great alterations are not made in Committee, and the promises of the Government as to the increased grants to denominational schools are not introduced into it.

Mr. WALTER moved the adjournment of the debate.

Mr. GOLDNEY observed, that if the debate was to be continued indefinitely the whole business of the country would be stopped. He believed that a large majority of the House was prepared to support the measure, and that it gave general satisfaction to the public.

Mr. GLADSTONE said, he was afraid that, taking into account the not very crowded state of the Benches, and the importance of the question, it would not be desirable to proceed to a Division that evening. Neither would much be gained, he thought, by prosecuting the discussion at that hour. In assenting to the adjournment of the debate, however, he hoped it would be understood that it was to close the next day.

Sir RAINALD KNIGHTLEY said, he was of opinion that there had been quite sufficient discussion on the Bill on the preliminary question that the Speaker leave the Chair. He must also observe that the patience of the majority of hon. Members had been sorely tried by the more garrulous portion of the House. Three mortal nights had been consumed in the debate on the second reading of the Bill, while the supporters of the Amendment moved on that occasion had not ventured to test the opinion of the House, but had run away from their own Amendment. Three more nights had already been expended on the Question that the Speaker leave the Chair, and it was the general rumour that a similar course was going to be adopted by hon. Gentlemen opposite on the present occasion. Now, so far as independent Members like himself were concerned, it was of course open to them during those discussions, when they found they were becoming too tedious, to take up their hats and walk out of the House. Those, however, who occupied the Treasury Bench were not equally privileged in that respect. The Prime Minister was tied to his seat like a galley slave to his oar. Indeed, the labour which the right hon. Gentleman had to go through for the last few months was more than the human frame could well bear, and he sincerely trusted he would have stamina enough to enable him to hold on till the end of the Session. If, unfortunately, he was obliged to succumb, he might very fairly say that, like Actæon, he had been torn to pieces by his own dogs.

Mr. WALTER said, he hoped he might be allowed to interpose a few words as one who occupied that geographical position known in the House as below the Gangway. He had been down in the House during the three nights of the debate; but he had in vain endeavoured on four or five occasions to catch the Speaker's eye. Now, every hon. Member, however seldom he might speak—and he, for one, could not plead guilty to the charge of garrulity made by the hon. Baronet—was perfectly aware of the extreme depression of spirits which was consequent upon an unsuccessful attempt to catch the Speaker's eye. He had experienced that unpleasant sensation three times in the course of that evening, and having come down to the House at 2 o'clock in order to secure a seat, he scarcely felt equal to addressing the House at that late hour, especially after the reception which had been accorded to the last two speakers, who were both very able and distinguished men. He hoped, therefore, hon. Members would see the propriety of not continuing the discussion without allowing those who, like himself, had been so many hours in the House, the benefit of a night's rest.

Debate *further adjourned* till *To-morrow* at Two of the clock.

## UNEMPLOYED LABOUR.—RESOLUTION.

### ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th June], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the continued want of employment among those who live by waged labour in many of the great Towns of the Kingdom calls for the special consideration of this House, with a view to the means that may best be devised for the remedy of the same without delay,"—(*Mr. W. M. Torrens,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

## SUPPLY.—CIVIL SERVICE ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

(1.) That a further sum, not exceeding £765,550, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1871: viz.

[Then the several Services are set forth.]

MR. HUNT asked when it was proposed to take the discussion on these Estimates? Asking for Votes on Account, as was now being done, was not a satisfactory mode of proceeding.

MR. GLADSTONE said, he could urge no plea except the plea of necessity for asking the Committee to grant a Vote of Credit in respect of the Miscellaneous Estimates. That plea would be to a certain extent generally admitted; at the same time, the Government ought to be bound not to push it beyond a certain point. Their intention was to proceed with the Miscellaneous Estimates with all reasonable expedition at the close of the proceedings on the Education Bill, as well as to make use of intervals while the Bill was in Committee.

MR. HUNT said, he imputed no blame to the Government; but if the Civil Service Estimates were to be postponed until the Committee on the Education Bill were concluded, he doubted whether many Members would be left in town to discuss them.

MR. GLADSTONE said, it would be competent for any Gentleman to raise the question in case the proceedings on the Bill extended beyond their expectations. His hope was that the long debate on going into Committee would shorten the discussion upon the clauses.

Vote *agreed to.*

(2.) *Resolved,* That a sum, not exceeding £390,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the Post Office Packet and Post Office Telegraph Services, to the 31st day of March 1871: viz.

| | £ |
|---|---|
| Post Office Packet Service ... | 300,000 |
| Post Office Telegraphs ... | 90,000 |
| | £390,000 |

Resolutions to be reported *To-morrow,* at Two of the clock;

Committee to sit again *To-morrow.*

## GUN LICENCES BILL.—[BILL 134.]

### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Chancellor of the Exchequer.*)

MR. P. A. TAYLOR condemned the measure as another Bill to be added to the already long list of laws for the preservation of game. In his opinion this gun tax, apart from its being a new game law, had every conceivable vice that a tax could possibly possess, and would operate most unequally and unjustly. It was an attempt to bring our laws and customs into harmony with those of the most despotic of Continental Governments—it was an attempt to disarm the people. He moved that the House go into Committee on the Bill on this day three months.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Taylor,*)

—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, he hardly thought it was necessary to discuss the matter at this time, and he therefore would not waste the time of the House by any observations upon it.

MR. GREENE protested against the view of the Bill taken by the hon. Member for Leicester, that it was a measure for the preservation of game.

MR. NEWDEGATE rejoiced that the Chancellor of the Exchequer had consented to retain the duty on game licences, because that was a tax upon luxury, and therefore a most proper tax; but a gun tax might be a hardship on those who kept fire-arms for the protection of their premises. If the hon. Member for Leicester had based his Motion on trade grounds he would have supported it.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 262; Noes 41: Majority 221.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Duty on licence to use a gun).

MR. MUNTZ moved, in lines 22 and 23, to leave out the words "or carry," which, as the clause stood, would render liable to a penalty of £10 any person who might be found carrying a gun, even across the street, or under any circumstances, however trivial.

MR. STANSFELD said, the hon. Member had omitted to observe the exemptions in the Bill, which applied in one clause to persons carrying guns that belonged to others who were licensed. By another clause a person would not be liable for carrying a gun unless he had a *primâ facie* intention to use it.

MR. SCLATER-BOOTH said, there was another grievance which had been pointed out to him by a London gunmaker—namely, that workmen going with guns to prove them at a range might be liable under this Bill. He had prepared a clause to meet such cases.

MR. MUNTZ said, he would withdraw his Amendment.

MR. HENLEY observed, that the wording of the clause ought to be quite definite; for, unless it were, a servant carrying a gun for the use of his master, or a gunmaker carrying one to a purchaser, might be held liable to a penalty.

MR. NEWDEGATE said, he thought everybody knew what was meant by "carrying" arms. The object of the Chancellor of the Exchequer was to pass an Arms Act for this country; but he did not know what the people of England had done to deserve a penal measure. He objected to the Bill on account of its interference with trade.

THE CHANCELLOR OF THE EXCHEQUER explained that the language of the clause was only intended to prevent arms being carried with the intention of using then. It was necessary in Excise Acts to make the language rather wide, or else the onus might be thrown upon the Excise of proving the intention with which the arms were being carried.

SIR STAFFORD NORTHCOTE said, he thought that care should be taken that the words of the clause did not go beyond the intention of the House upon the subject.

MR. STANSFELD said, that the Government would take the subject into consideration, and would bring up a new clause upon the Report.

MR. HENLEY asked, whether a person sent with a gun for repairs was to be liable to the tax?

THE CHANCELLOR OF THE EXCHEQUER: No.

Amendment, by leave, *withdrawn.*

MR. MUNTZ moved, in line 23, to leave out "one pound," and insert "ten shillings." He regarded the imposition of the tax as a slur upon the character of Englishmen. In any case, however, the smaller sum would meet the intentions of the Government.

Amendment proposed, to leave out the words "one pound," in order to insert the words "ten shillings."—(*Mr. Muntz.*)

MR. BASS regretted that, owing to the violence of a certain number of persons from Ireland, the Government had felt themselves under the necessity of taking this method of obtaining a register of those possessing arms. He thought, however, a tax of 10*s.* would answer all the purpose.

After further discussion,

THE CHANCELLOR OF THE EXCHEQUER said, that they had imposed a uniform tax of £1 on the ground of the repeal of the game certificate. In accordance, however, with the wish of the Committee, they had determined to retain the game tax. Under those circumstances, he gathered that the Committee desired that the sum of £1 should not be retained. He would not, therefore, give the Committee the trouble of dividing, but would accept, as a compromise, the proposal to adopt the sum of 10*s.*

Question, "That the words 'one pound' stand part of the Clause," put, and *negatived.*

Question put, "That the words 'ten shillings' be there inserted."

The Committee *divided*:—Ayes 163; Noes 106: Majority 57.

SIR HENRY SELWIN-IBBETSON moved to add to the end of the clause these words, "five shillings for each and every chamber or barrel of such gun." The hon. Member said, his object was to put an end to the practice of carrying revolvers, which was growing among the working population in the Northern counties.

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry he could not accede to the Amendment, which was well meant. If there must be any additional charge, it ought to begin with every barrel or chamber above one.

MAJOR WALKER said, he thought a distinction should be made between double-barrelled guns used in sport and revolvers, which were often used for purposes of wanton mischief.

MR. RYLANDS said, he thought further time ought to be allowed for the consideration of the question, and moved that the Chairman be ordered to report Progress.

MR. ASSHETON CROSS called attention to the fact that the Chancellor of the Exchequer, in introducing this Bill, stated that it would have the effect of putting an end to the carrying of revolvers.

MR. RYLANDS said, he would withdraw his Motion.

Amendment *negatived.*

Clause *agreed to.*

Clauses 4 to 6, inclusive, *agreed to.*

Clause 7 (Penalty for using or carrying a gun without licence).

MR. PELL (in the absence of Mr. C. S. READ) moved, in page 2, line 21, after "curtilage thereof" to insert the words "or upon lands in the occupation of the owner of the gun," with the object of enabling owners of guns to use them upon their own land.

Amendment proposed, in page 2, line 21, after the word "thereof," to insert the words "or upon lands in the occupation of the owner of the gun."—(*Mr. Clare Read.*)

Question proposed, "That those words be there inserted."

THE CHANCELLOR OF THE EXCHEQUER said, the effect of these words would be to dispense with the tax in cases where persons were fortunate enough to occupy land, and impose it on those who were not.

*Sir Henry Selwin-Ibbetson*

MR. NEWDEGATE said, he thought the Bill a most arbitrary police measure for interfering with the freedom of Englishmen without excuse.

MR. COWEN moved that the Chairman now report Progress, observing that they had had quite enough of this bad Bill already.

MR. HENLEY asked whether the exemption ought not to be extended to vessels, as scarcely a vessel ever left port without carrying muskets or other fire-arms?

THE CHANCELLOR OF THE EXCHEQUER said, he had often heard of a man being called a "chosen vessel," but had never heard of a vessel being deemed a man. The tax applied only to persons carrying fire-arms; but the point, however, should be considered.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Cowen.*)

The Committee *divided:*—Ayes 34; Noes 166: Majority 132.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 112; Noes 90: Majority 22.

MR. RUSSELL GURNEY moved an Amendment to exempt Volunteers "when engaged in target practice."

THE CHANCELLOR OF THE EXCHEQUER said, that after the recent vote he should now move that Progress be reported, though he was not in a position to say that the Bill would not again come under the consideration of the House.

Committee report Progress; to sit again upon *Monday* next.

## NORWICH VOTERS DISFRANCHISEMENT BILL.

LORDS' AMENDMENT *considered.*

Amendment in page 1, line 23, Leave out "No," and insert "Neither Arthur Bignold, mentioned in Schedule A, annexed to the said Report, nor any," read a second time.

Amendment proposed to be made thereunto, by inserting after the name "Bignold" the words "nor Orlando D. Ray."—(*Mr. Donald Dalrymple.*)

Question proposed, "That those words be there inserted."

Debate arising.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Rylands.*)

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Lords' Amendment, as amended, *agreed to.*

House adjourned at a quarter before Three o'clock.

# HOUSE OF LORDS,

*Friday, 24th June,* 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Larceny (Advertisements)* (158); Dividends and Stock* (159).

*Second Reading* — Turnpike Trusts Arrangements* (132).

*Committee*—Irish Land (122).

*Report*—Felony* (90).

*Third Reading* — Jewish United Synagogues* (137); Saint Olave, &c. Charities* (138); Pier and Harbour Orders Confirmation* (110), and *passed.*

## PALACE OF WESTMINSTER — ST. STEPHEN'S CRYPT.

### MOTION FOR AN ADDRESS.

THE BISHOP OF GLOUCESTER AND BRISTOL rose to call the attention of the House to the fact that at present no Divine service is performed in the lately restored chapel in St. Stephen's Crypt; and to move that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the requisite arrangements be made for the performance of the same during the Session of Parliament. As one of the Chaplains of their Lordships' House, he need make no apology for bringing this subject under their notice. The chapel had been beautifully restored, at a cost of £30,000. He could not think this an improper expenditure upon a place possessing so much historical interest; and there could be no doubt that the work of restoration had been very completely carried out. But, although every preparation had been made in the chapel for the celebration of Divine service, none had yet been performed. In fact, he understood that the only ceremony which had taken place there was the baptism of the grandchild of one of the officers of the House. As he was informed, the restoration of the chapel had been undertaken with the intention of providing a place of worship for the families having residences in the Houses of Parliament, of whom there were 14; and the district in which they resided was, he believed, extra-parochial. Many of the members of these families probably attended the neighbouring churches; but he was not ashamed to say a few words for their servants, many of whom, he believed, would be glad to attend at least one service a day in the Crypt. It was necessary that a preacher or reader should be appointed to conduct these services; but he could not find that there were any funds for the purpose. The Chaplain to the House of Commons might be suggested as a proper person to officiate; but it should be remembered that that rev. gentleman was really the Speaker's chaplain, and it would not be reasonable to expect him to undertake additional duties. So far as the Chaplains to their Lordships' House were concerned, no doubt the members of the Episcopal Bench would be ready to render what assistance they could; and, for his own part, he should be prepared to offer his services whenever they were required. It was requisite to supply from some source £100 a year, to provide a simple service on Sunday afternoons, during the Session of Parliament, and he did not think it was unreasonable to request that this should be done. It was clear that either the chapel should not have been so expensively restored, and made ready for use, or arrangements should be made for the performance of Divine service. The chapel was under the charge of the Lord Great Chamberlain, who would give every facility for the performance of service, if proper arrangements were made. He would not carry his Motion to a Division, as his object was merely to obtain an expression of opinion upon the subject, which he had brought before the House in this form.

*Moved,* That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the requisite arrangements be made for the performance of divine service in the lately restored chapel in Saint Stephen's Crypt during the Session of Parliament.—(*The Lord Bishop of Gloucester and Bristol.*)

EARL GRANVILLE said, he fully appreciated the motives that had induced the right rev. Prelate to bring forward this question, and thanked him for his willingness to contribute to carry out his suggestion. But he was not aware that any wish for a service in the chapel had been expressed by the families of the officers residing within the building, and he believed they found accommodation in St. Margaret's Church. At any rate, it would seem that the necessity for an additional service could not be very great in the immediate neighbourhood of Westminster Abbey. With regard to providing funds for the purpose, the only course which occurred to him, as practicable, was to ask the House of Commons for a grant; but he very much doubted whether the other House of Parliament would be willing to agree to a Vote for that purpose. He should be glad, however, to give the subject some consideration, before making a more definite reply to the Motion.

THE BISHOP OF GLOUCESTER AND BRISTOL was satisfied with having raised the question, and would be content to let the matter rest for the present.

Motion (by Leave of the House) *withdrawn.*

## IRISH LAND BILL—(No. 122.)

(*The Earl Granville.*)

COMMITTEE.

House again in Committee (according to Order).

### PART I. LAW OF COMPENSATION TO TENANTS.

Clauses 1 to 12—*Claim to Compensation.*

Clause 3 (Compensation in absence of custom) again read.

Amendment again proposed, line 24, after ("section") insert—

("And in case of any assignment of a tenancy, the assignee shall not be entitled to any compensation under this section unless and until he shall have been accepted as a tenant by the landlord: provided that a devolution under a will or upon an intestacy or marriage shall not be deemed an assignment under this section".)—(*The Duke of Richmond.*)

EARL GRANVILLE said, that in accordance with what he had stated at the close of the Committee on Thursday, he now placed upon the Table the clause he had proposed in substitution for the Amendment of the noble Duke; and which was as follows:—

After clause 11. insert the following clause:—

(Partial exemption in cases of assignment.)

"Where a holding in respect of which compensation under section 3. of this Act is claimed was held by any tenant under a tenancy existing at the time of the passing of this Act, and such holding shall be assigned without the consent of the landlord, no compensation shall be payable by the landlord in the cases following, or any of them; that is to say,

1. "Where the rent of such holding at the time of such assignment was in arrear, and the same was due by the tenant:

2. "Where such holding forms part of an estate upon which the assignment of holdings without the consent of the landlord is contrary to the practice prevalent upon such estate:

3. "Where the person claiming such compensation fails to prove to the satisfaction of the Court that he was a fit and proper person to be accepted as the tenant of such holding by the landlord; provided always, that the provisions of this section shall not apply to any assignment by operation of law."

THE DUKE OF RICHMOND said, that it would be convenient to discuss this new clause simultaneously with his Amendment, because if the latter were carried the whole question would be determined.

EARL GRANVILLE concurred in this suggestion. As he stated the previous evening, he should have been willing to accept a part of the noble Duke's Amendment, or of the Amendment of which a noble Earl (the Earl of Lichfield) had given Notice, so far as related to this point; but he found that many noble Lords acquainted with the subject preferred the new clause which he had placed on the Paper.

THE DUKE OF RICHMOND said, that he might, perhaps, be permitted to state the views he entertained of the clause proposed by the noble Earl. The clause was divided into three parts. The first proposed to exclude compensation for eviction in cases where the rent of the holding at the time of the assignment was in arrear, and was due by the tenant. This seemed fair and reasonable. The second part excluded compensation in cases where the holding formed part of an estate on which the assignment of holdings without the landlord's consent was contrary to the practice prevalent on that estate. Now there were, no doubt, estates where such a state of things existed; but the defect of the Proviso was this—that there were other estates where the landlord had laid down no such rule, being content with the right of giving notice to quit at the end of the year, whereby they could get rid of an objectionable assignee. The noble Earl's proposal would make the landlords of such estates liable to the payment of compensation if they evicted tenants who had been forced on them without their consent. The third part of the clause provided that compensation should be excluded if the claimant failed to prove to the satisfaction of the Court that he was a fit and proper person to be accepted as the tenant. Now, he contended that no Court ever constituted could decide whether a person was a fit and proper person to become a tenant. He could conceive many cases in which the assignee might be a very immoral man, and very objectionable as a tenant; but it was a very different thing to go into Court and prove the fact. Many of their Lordships had probably refused offers to take farms in cases where they would be extremely puzzled to assign reasons in a Court of Justice for such refusal. General statements would be insufficient, as the Court would be bound to decide by the strict rules of evidence. For these reasons, he adhered to the opinion that the words of his Amendment were preferable to those of the noble Earl's clause. This was a point of great importance, for while compensating the tenant for capricious eviction, Parliament should take care not to be unjust to the landlords by granting such compensation to tenants forced on them without their consent.

EARL GREY thought it important to give landlords the power of preventing assignments of tenancies to improper persons. The noble Duke's Amendment, however, would give them an absolute veto, which might be very capriciously exercised, and thereby lead to great injustice, and against which there was no appeal. A landlord might arbitrarily refuse to allow an assignment by a man unable any longer to manage the farm properly to his son or nephew, which would be a great hardship. His decision should, therefore, be revised by an impartial authority. The clause of the noble Earl (Earl Granville) would not accomplish the object in view so well as the Amendment which had been given Notice of by the noble Earl behind him (the Earl of Lichfield). The latter provided that compensation for eviction should not be given to a tenant who, after the passing of the Act, assigned his holding without the written consent of the landlord, unless the Court, on the application of the tenant prior to the proposed assignment, should determine that the consent was unreasonably withheld. This, he thought, was the best way of meeting the case.

THE EARL OF LONGFORD remarked, that the noble Earl (Earl Grey) would give somebody else a veto on the landlord's veto. He objected to putting the landlord into Court on such an occasion. The only control which the landlord desired to have — that of approving the assignee — was most reasonable; and the claim of the tenant to assign his holding without his landlord's consent most unreasonable. One of the largest land agents in England had shown him an ordinary tenant's agreement in the Midland Counties, which imposed an additional rent of £10 an acre on land assigned or underlet without the written consent of the landlord or agent. This was done in a case where the landlord could get rid of the tenant at six months' notice. It appeared to him that it would be far better to reject all these wordy Amendments, and adopt the clear and simple Amendment of which the noble Earl (the Earl of Leitrim) had given Notice.

VISCOUNT LIFFORD pointed out that on estates of 4,000 or 5,000 holdings, with absentee landlords, it had been impossible always to prevent assignments; so that, unless the landlord's right to refuse an assignment were distinctly declared by the Bill, these cases would be brought before the Court in proof that assignments had been allowed by the custom of the estate. He had wished to propose an Amendment distinctly recognizing the landlord's right of refusal; but this was, to a great extent, effected by the Amendment of the noble Duke.

THE EARL OF LIMERICK said, that when the second reading of the Bill was under consideration, it was distinctly stated by the noble Earl opposite (Earl Granville) that one of its principal objects was to compel bad landlords to do that which was done voluntarily by good landlords. Now, a good landlord compensated a tenant whom he was obliged by circumstances to evict; but he had never heard of his compensating an assignee forced upon him against his consent, or even without being consulted in the matter. Irish landlords acceded to the principle of compensation for improvements and for capricious eviction; but they ought not to be made to compensate persons who had become their servants without their consent. The original tenant would, of course, have received money from the assignee, if a stranger. The Amendment would not keep the assignee in a state of uncertainty, for his acceptance would be promptly shown by the landlord receiving the rent from him; and, in case of the landlord's refusal to recognize the assignment, the assignee would immediately become aware of the precariousness of his position. He did not think any real damage would be done to the tenant if the Amendment proposed by the noble Duke were adopted.

Lord DUFFERIN said, that looking at the matter from the view of noble Lords on the Opposition side, he did not see what reasonable cause they had for refusing to accept the proposal of his noble Friend the Secretary for the Colonies. The just claims of the landlord would be satisfied, and the tenant would be guarded against the injustice which might be done him if the Amendment of the noble Duke were adopted. One of the great objects of this Bill was to give to the tenant who had not a lease the protection which a lease would afford him.

Lord CAIRNS said, the reasons urged by the noble Lord were conclusive in favour of the Amendment of the noble Duke, because he stated that one of the objects of the measure was to give tenants who had not leases the protection which they would have were they lessees. He would ask the noble Lord whether he had ever heard of a case of an assignment without the landlord's approval where a lease had been granted?

Viscount HALIFAX said, it was admitted that by the existing law the tenant in Ireland had power to assign without the consent of the landlord, though that power was not very generally exercised in consequence of the landlord being able to give the tenant notice to quit. It was quite true that in England assignment without consent put an end to a lease; but their Lordships were dealing with exceptional circumstances. The exceptional state of Ireland justified exceptional legislation. This was an exceptional measure, and it was better for the landlords of Ireland to make some sacrifice. It was cheaper to make compensation than be shot. He thought a satisfactory arrangement might be come to by adopting in part the proposition of his noble Friend (Earl Granville), and taking that portion of the Amendment of the noble Earl behind him (the Earl of Lichfield), which declared that—

> "A tenant of a holding assigning the same after the passing of this Act, without the consent of the landlord in writing, shall not be entitled to compensation under this section unless the Court shall, on the application of the tenant made before the assignment, determine that such consent is unreasonably withheld."

The Marquess of SALISBURY said, the progress of the debate was very satisfactory, because the further they proceeded the more clearly they understood the real principle on which this measure was based. Their Lordships had heard many dark utterances from the Treasury Bench; but the noble Lord who sat behind that Bench (Viscount Halifax), and who was free from Ministerial responsibilities, had told them the true ground on which this clause should be agreed to—namely, that it was cheaper to pay compensation than be shot. He did not suppose that such a reason for the adoption of a proposition had ever before been presented to a free Legislature; but their Lordships might depend on it that if it succeeded now this was not the last time it would be urged. Tenants were now told that the way to get concessions from their landlords was to make them understand that if they did not yield they would be shot. He observed throughout this Bill that whenever a custom told in favour of the tenant it was adopted, and that whenever it told in favour of the landlord it was altogether abandoned. Starting with the Ulster custom, which they wished to apply to all Ireland, they proposed to depart from one of its most essential points, and that almost the only point, where the custom was favourable to the landlord; for under the Ulster custom the landlord had always a veto on the assignment of the outgoing tenant to the in-comer. The Prime Minister, in his eloquent speech introducing that Bill "elsewhere," referred to a social question of the very highest importance. He spoke of what might be called the unemployed rich — of that large and growing class of persons who enjoyed property without undertaking any of the duties or obligations arising from it, and of the social and moral evils thereby occasioned; and on that ground he refused, and rightly refused, to entertain the question of fixity of tenure. But were they not now doing that very thing in another form? If they permitted the tenant to assign, were they not doing all in their power to deprive the landlord of the management of his estate? Was the landlord not to have the power of deciding who was to be the tenant on his estate? That was the only weapon that he had left to him; and if they took it away from him he would have no means of controlling those who lived upon his land, and for whom he was morally responsible; and he would have every temptation to fall into the class of the unemployed rich, to become an absentee, and draw his income as a mere rent-charger, throwing off all the responsibilities connected with the possession of land. That was a far larger question than one of mere money; it was one really determining the position which a great class had heretofore held in the social fabric of Ireland. If they assented to the opinion that it was better for the landlord to pay than to be shot, they would uphold a doctrine not known among civilized nations.

Earl GRANVILLE said, the noble Marquess who had just spoken had one great merit. In the heat of debate disagreeable things were often said, and said with great diffuseness; but if the noble Marquess had anything disagreeable to say he always condensed it into the most epigrammatic form. It would not promote the good temper with which they ought to apply themselves to the business before them for him then to enter into the general question whether the Government had shown unfairness to one class and favour to another, or whether they had not, as he maintained, acted with an honest and sincere desire to do what was fair to both landlord and tenant. The accusation against them came at a most inopportune moment with regard to the proposition which he had now made. There was little doubt that under the Ulster custom the landlord had a veto on assignment; but it was also consistent with that custom that the landlords could not go on unreasonably objecting. As the Bill stood, he thought it did no harm, and he concurred in what had been said by a noble Lord, that the whole difficulty now raised was a bugbear, and would not arise once in 10 years. However, he had come forward—he hoped in a calm and temperate spirit—with an Amendment which he feared in the House of Commons would be much objected to, and perhaps thought unfair in some respects; and he trusted that the noble Marquess and his Friends would not infuse bitterness into the further discussion of the matter. His Amendment applied to existing tenants only; whereas the noble Duke's Amendment applied to all future tenants. He hoped their Lordships would not send down the noble Duke's Amendment to the other House, opposed as it was in quarters from which the Government did not usually receive support.

Lord DE ROS was understood to say that among the various fallacies on which that Bill was founded was the delusion that landlords acted from motives of mere caprice in managing their property, and in objecting to particular persons proposed to them as tenants. Take the case of an habitual drunkard who might claim to succeed to his father's farm. The landlord might be reluctant to state such an objection in a Court of Law, yet he knew very well that he would be an objectionable tenant; again, a man might be proposed who, the landlord knew very well, would be a firebrand on the estate, and an annoyance to all his neighbours. To say that the objections of the landlords to accept such persons as tenants was capricious, was neither reasonable nor true. The Devon Commission had been the means of fostering many of the delusions which prevailed on those subjects. The Commissioners roved all over the country, taking every evidence offered by discontented tenants against their landlords, not given on oath, and published it without comment in their "Report." True, they afterwards offered to receive and publish counter-statements from landlords and their agents; but this did not half remedy the mischief promulgated in their first "Report." Would not the same thing happen in Kent and Sussex if they sent down a Commission that heard the tenants' side only? One of Mr. O'Connell's principal agitators in the County of Meath once wanted to become a tenant on his property, and he was entreated not to accept him, as the people on the estate liked to have quiet and good neighbours. It was absurd to deprive the landlord of his right to decide who should be his tenant, if only for the comfort and peace of his other tenants.

**Viscount TEMPLEMORE** supported the Amendment, also contending that the landlord was likely to be the best judge of such a question.

**Lord TALBOT DE MALAHIDE** said, that differences frequently occurred between members of tenants' families, which the power of the landlord to infere would frequently stop. He would mention a case in illustration. A tenant of his own, who was an old man, wanted his son to succeed him on the farm, while the mother favoured a married daughter. If the power of the father to assign the holding were unlimited, he might transfer it to the son, without consideration for the daughter; or he might be over-persuaded to give it to the daughter, and disinherit the son. He had interposed his power as landlord to put an end to the dissension and ill-will the dispute had created. There was another curious case. A representation had been made to him by the children of a tenant that their father, a widower advanced in years, was about to contract another marriage, and they were afraid that through the influence of the future wife they should be disinherited. He was obliged to use the influence he at present possessed to insist on the father doing an act of justice to his children, and he had every reason to believe that the matter was happily arranged. But if this power of unlimited assignment existed, it would be perfectly impossible for a landlord to interpose with effect. Again, supposing a tenant wished to assign his interest to a Fenian, what was to be done? This was a very possible case, and he had in his eye persons whom he not merely believed, but had good reason for saying were high in authority among the Fenians, to whom such an assignment might be made, and yet he could not produce legal evidence to prove that they were Fenians, nor would it be an easy matter to go before a Court of Justice to do so.

**The Earl of LICHFIELD** said, he did not wish to interfere with the moral influence of a landlord in settling disputes between his tenants and their relatives; but he could not help thinking that the case alleged would be well met by the Amendment of which he had given Notice. The objection advanced by the noble Lord opposite (Viscount Halifax), that this was exceptional legislation, would apply to almost every clause in the Bill and to the very principle of the Bill. He, for one, had always objected to exceptional legislation being applied in any part of the country to the relations between landlord and tenant. But the object of the Bill, which had been admitted by both sides of the House, was to put a check upon bad landlords, and to prevent capricious eviction. If, therefore, they were prepared to prevent capricious eviction, he did not see why they should not prevent the landlord from capriciously withholding his consent to an arrangement under which his tenant would be able to take advantage of the additional interest they were giving him in his holding under the Bill. It would be therefore impossible for him to vote with the noble Duke opposite, though he could not approve the wording of the Amendment of the noble Earl (Earl Granville). It would be objectionable to draw the distinction which the noble Earl did in his Amendment between those cases in which the landlord had prohibited assignment, and those in which he had not, because up to the present time there was no reason why the landlord should prohibit, for he could right himself by simply giving notice to quit.

On Question, Whether to insert? Their Lordships *divided*:—Contents 116; Not-Contents 82: Majority 34.

*Resolved* in the *Affirmative*.

**The Duke of RICHMOND** then moved to omit—

"With this qualification, that in the case of holdings of twenty-five acres and upwards of tillage land, the letting by a tenant of a portion of land to agricultural labourers *bonâ fide* required for the cultivation of the holding for cottages or gardens, not exceeding half an acre in each case, and not being in number such as to raise the total of such cottages on the holding to more than one for every twenty-five acres of tillage land, shall not be deemed to be a subdivision or sub-letting of land for the purposes of this section:

"Provided that no tenant of any holding shall erect any labourer's cottage on his holding without first applying to the landlord or his known agent for liberty so to do; and in case the landlord shall within twelve months from such application erect the cottage at his own expense, the tenant shall not be at liberty to erect a cottage on the said holding."

He believed the words he proposed to strike out would not only give rise to subdividing of a very objectionable character, but that the buildings erected would be in many cases of a wretched character, and would greatly interfere with the improvement and good farming of the estate. Nothing could be more right than that proper accommodation should be provided for the labourers on an estate, and it would be one of the first things that a good landlord would turn his attention to; but, as he believed this provision would be attended by more evil than benefit, he begged to move its omission.

Amendment *moved*, in line 24, leave out from ("with") to ("holding").—(*The Duke of Richmond.*)

Earl GRANVILLE said, he should support the clause as it now stood. It did not apply to labourers' cottages other than those necessary to provide accommodation for them on the holding. There was, at present, great jealousy on the part of landlords in encouraging what they regarded as the erection of an undue number of labourers' cottages on their estates. It should be remembered that a considerable portion of the holdings in Ulster averaged about 22 acres each, and, with the powers conferred on the Court by the Bill, he did not believe that this provision would be attended with any danger of subdivision or subletting.

The Earl of AIRLIE concurred in the belief that this provision would hold out the temptation to subletting and subdividing, while the cottages which would be erected by the tenant would be frequently of a very inferior character. He had placed upon the Notice Paper an Amendment defining the conditions under which tenants might be at liberty to erect cottages for the labourers *bonâ fide* required for the cultivation of the holding. These were—first, that there should not be more than one cottage for every 25 acres of tillage land. Second, that the cottage and garden shall not exceed half-an-acre; third, that they must be suitable and such as would be deemed "improvements" within the meaning of the Act; and, fourth, that the tenant shall not erect such cottage if it should appear to the Court that it would be calculated to diminish the general value of the landlord's estate. If the Government would hold out a hope of accepting these Amendments, or of themselves proposing others of a similar kind, he should be satisfied. If not, he felt inclined to vote for the Amendment proposed by the noble Duke.

The Duke of ARGYLL said, it was undoubtedly true that there were no parts of the Bill which were addressed directly to the condition of the labouring classes; but the Bill would benefit them indirectly, because by the greater confidence given to the occupiers of land they would be enabled to give greater employment to the labourers. The noble Earl opposite had forgotten the operation or exact position of the clause to which he proposed his Amendment. By the Bill certain rights to compensation were given to tenants in cases of eviction, and then the Bill went on to say that these rights should be absolutely forfeited in case of the tenant doing certain things—such as subdividing and subletting. The effect, therefore, of the proposal might be, in the case of a farmer who *bonâ fide* erected cottages for labourers, to expose him to the risk of absolute forfeiture. This could not fail to discourage the very thing which, on all hands, was admitted to be desirable—the improvement of the dwellings of the labouring poor. The Bill would not allow a man to consider his sons as labourers, and to erect cottages for their accommodation; but it did meet the case of cottages *bonâ fide* built by the tenant for his workmen. He, therefore, doubted the expediency of the proposal submitted to their Lordships.

Lord CAIRNS said, that neither in the case of letting in con-acre nor in that of building cottages did the Amendment propose absolute prohibition, but simply proposed to restrain the tenant from doing what amounted to subdividing his farm without first obtaining the landlord's consent. Had any evidence been given to show that Irish landlords as a class, or as individuals, had refused to allow labourers' cottages to be built upon their property when they were required? He did not believe that any evidence of the kind could be given. But it was fair to remember the circumstances of the country, as they were constantly asked by noble Lords opposite to do, upon other matters. The great struggle in Ireland, as everyone knew, was to subdivide and sublet the land,

and every evasion that could be resorted to for the purpose of gratifying or sanctioning subdivision was adopted. It almost required a man to assume the attitude of a member of the detective force, adequately to guard against all the attempts made at subdivision and subletting. Suppose a farm of 25 acres, and that the occupier built upon it a cottage for a labourer, and suppose, what was very common in the country, that in lieu of paying him wages he gave him one or two fields to cultivate. If the labourer died leaving a large family, or ceased to cultivate the farm but retained the cottage, how was the landlord to get rid of him? He thought there could be no objection whatever to the proposition that before the cottage was built the landlord's consent should be obtained.

Lord O'HAGAN said, that considerable care had been taken in the preparation of the clause to prevent cases of mischief occurring. He would remind their Lordships that this and the con-acre clause were the only two clauses of the Bill that had any direct bearing on the condition of the labouring class in Ireland, and it would be matter for regret if their Lordships rejected them both. The noble and learned Lord (Lord Cairns) said there was no evidence that the landlords of Ireland refused their consent either to con-acre when beneficial to their tenants or to the building of labourers' cottages when required for the estate; but the wretched condition of the Irish cottages was well known, and there was no attempt at improvement. Care was taken that cottages should only be built on arable land, and provision was also made against over-subdivision. At the same time, he must remind their Lordships that in Ulster, in Down, and Antrim, a farm of 25 acres was considered a very substantial one, and many tenants on farms of that size lived comfortably and brought up their families industriously and well. That being so, the only question which remained was, whether the houses to be built on these 25 acres were to be good or bad? It was to be remembered that nothing was to be done in a hurry or without distinct notice to the landlord, who might interfere with all the influence which naturally and justly belonged to him. He might himself select a portion of land and build on it such a cottage as he thought proper. The assistance of a sanitary inspector or an officer of the Board of Works might be called in to prevent the possibility of the cottages being of an improper character. He thought, with the precautions which had been taken by the Government, this provision would be found a most salutary one, and he should be very sorry to see it removed; but if their Lordships thought the clause not sufficiently guarded against abuse, it could be made more stringent, but he hoped their Lordships would not reject it.

The Duke of ABERCORN said, he believed the effect of this clause would be disastrous to the labouring population of Ireland. The noble Earl the Secretary for the Colonies had fallen into an error in supposing that it was the desire of the landlords of Ireland to prevent the building of a sufficient number of labourers' cottages. It was the direct interest of a landlord himself that there should be a sufficient number of labourers' cottages on his estate. No landlord—not even the hypothetical landlord against whom this Bill was directed—could be so foolish as to suppose that without a sufficient number of labourers his estate could be properly farmed. It was the direct interest of a landlord to see to this. It was also his direct duty to take care that these labourers should not be ground down to the dust by the farmers. That was a very difficult task, and it could only be properly done by the consent of the landlord being required, in order that he might see that every labourer that came upon the estate should be properly housed.

Lord ATHLUMNEY said, that as the law now stood if there was an agreement in writing between landlord and tenant that the landlord should keep the houses on his estate in proper repair, he had a summary power of eviction. But he must say the state of the habitations of the labouring class in Ireland was a scandal and a disgrace—they were far worse than in any other country in Europe, and most imperatively called for the attention of the Legislature. Not very long ago he was reading some observations made by a German traveller, who, giving an account of his wanderings over a great part of Europe, said that in no part of the globe he had visited did he ever see anything so scandalous or disgraceful as the habitations of the labouring class in Ireland. He must say he had felt the blush of shame when he thought that a foreigner should be able to make such a statement. He almost wished that this clause—the only one having reference to the position of the Irish labourer—had been left out of the Bill, because he thought the time had come when this question should be dealt with in a comprehensive and thorough manner. There was in existence an Act which authorized advances of public money for the purpose of building labourers' cottages, and under that Act, which would expire next year, much had been done, and still more might have been effected had its provisions been carefully framed. The present time was a particularly opportune one for the Government to take action, because the House was now engaged in considering a measure that was intended to be, and which would be, of great benefit to the tenants, but which did little or nothing for the labourers, who would still be left to dwell in the wretched hovels which were so peculiarly the disgrace of Ireland. At a time when they were giving advantages to the tenants of Ireland—greater, perhaps, than they enjoyed in any other country—they might adopt means for compelling those tenants to make some better provision for the labourers whom they employed on their farms. He should have been glad if the cottier tenants could be brought under the landlord's control; but as that was impossible, the occupying tenants ought to be compelled to provide them with those comforts which they had a right to expect. There was no class of persons in the kingdom who better deserved sympathy and support than the labouring classes of Ireland, and he hoped noble Lords would take up their cause.

The Earl of CLANCARTY said, that he should support the Amendment of the noble Duke. He should be very sorry to be instrumental to the withdrawal of anything from the Bill that was really calculated to improve the condition of the labourers' cottages in Ireland; but he saw nothing in the measure that was in the least degree calculated to secure that object. This section provided no security for the proper requisites in their construction, or for repairs, which were indispensable if the proviso was to be of any real utility. He was deeply sensible of the importance of well lodging the labouring classes, for that must be at the very root of every real attempt to ameliorate their condition, and to raise them in the social scale; but if the building of their cottages were to be at the charge of small and needy farmers, he thought the labourers would not be benefited. Some agricultural societies offered premiums to encourage the building of labourers' cottages, and the result was that in several districts there were to be found buildings which were not only good for the labourers, but also operated indirectly upon the tenants by inducing them to make their own houses respectable. He asked their Lordships to reject the part of the Bill which was under discussion, and to adopt the noble Duke's Amendment; but if not, he trusted that at least a proviso would be added bringing these cottages within the operation of the Cottiers' Tenement Act.

The Marquess of CLANRICARDE said, he should vote for the Amendment, because he desired to see the labourers better housed, and he did not see how the clause, as it stood, would help them. The Government had gone away from the old principle of political economy, and were trying to force a duty upon the tenants. It would be better to give to the landlords the power of erecting labourers' cottages.

The Earl of LEITRIM said, he should support the Amendment, because he did not think it desirable that a landlord's estate should be entirely under the control of the tenants.

Earl GRANVILLE submitted to their Lordships that the time had come for a Division if the Amendment was to be pressed. All the arguments on the subject had been exhausted, and their Lordships had spent nearly three hours over six lines of the clause. He might just observe that by the terms of the clause the tenant was obliged to give notice to the landlord when he proposed to build labourers' cottages, and in that case the landlord himself might build the cottages if he thought proper. Facilities were given him to borrow money for the purpose. He was ready to consider the question of sanitary arrangements.

The Earl of LICHFIELD also thought they ought to have some security against the undue multiplication of labourers' cottages.

On Question, That the words proposed to be left out stand part of the Clause? their Lordships *divided*:—Contents 89; Not-Contents 138; Majority 49: *Resolved* in the *Negative.*

Words *struck out.*

THE EARL OF LICHFIELD *moved*, in Clause 3, after line 40, to insert the following separate paragraphs:—

"A subdivision of the holding by the will of a tenant dying after the passing of this Act shall be deemed a subdivision made after the passing of this Act within the meaning of this section."

"A partition of a holding by joint tenants or tenants in common shall be deemed a subdivision within the meaning of this section."

The object of his Amendment was, as far as possible, to prohibit subdivision, which, under the Bill as it stood, was not sufficiently prevented. At any rate, the clause applied only to subdivision occurring after the passing of the Act. He believed there were many cases where tenants in common held, perhaps, a field here and a field there, scattered all over a townland; and his Amendment was intended to prevent those tenants from making a partition between them without the consent of the landlord. If the Amendment was carried as it stood on the Paper the tenants would still have the power under the Bill of making the partition between them with the consent of the landlord.

THE LORD CHANCELLOR said, if a tenant made a will and disposed of his farm among his family it was usual for the agent, as he was informed, to step in and settle the matter by arranging that one of the family should take the farm and make certain payments to the other members of it. He thought it was very desirable that there should be some provision by which the Judge of the Court might be enabled to do the same.

After a short conversation, Amendments *negatived.*

THE DUKE OF RICHMOND said, the Bill provided that a tenant holding under a lease made after the passing of this Act and granted for a term certain of not less than 31 years, should not be entitled to any compensation under this section, but might claim under Section 4. Now, in his opinion, 21 years would be a much better term, and he was satisfied it was all that justice required. He would therefore propose that ("31") be left out for the purpose of substituting ("21").

Amendment *moved*, page 4, line 1, leave out ("thirty-one") and insert ("twenty-one").—(*The Duke of Richmond.*)

EARL GRANVILLE said, as far as he understood the noble Duke's objection, it was that the proposal in the Bill went too far. Now, it was acknowledged that in Ireland a 21 years' lease was not regarded with favour by the Irish tenant; and it was very rare to find such leases in that country, unless connected with lives; or some of very recent date, introduced by persons who had purchased under the Landed Estates Act. It was quite true that a 31 years' lease would enable a landlord to relieve himself of all liability under this section; but that would not prevent him from giving a shorter lease, whether of 7, 14, or 21 years. If a landlord did that, and a tenant claimed under the clause, the landlord had only to point out that he had given such a lease, and it would have a most important effect in the eyes of the Equity Judge in reducing the tenant's claim. He must impress on their Lordships how unwise it would be, if they were to proceed on the principle of paring down the measure.

THE EARL OF MALMESBURY said, that one of the principal objects of this Bill was to perpetuate a system of exceptional legislation for Ireland, which, in his opinion, had contributed a great deal to the present deplorable state of that country. They were certainly legislating for Ireland in a different way from what they legislated for England and Scotland. Noble Lords opposite might say that it was our duty to legislate exceptionally for an exceptional people under exceptional circumstances; but what, he would ask, was more likely to foster and continue these exceptional circumstances than a continued system of exceptional legislation? Let them look at the state of France, as compared with the United Kingdom. The difference in type, in character, and in race, in different parts of France had formerly been much greater than that which existed in Ireland and this country; but the Code Napoléon welded the whole country together; and now all acknowledged the same allegiance, and gloried in belonging to one common country. But Her Majesty's Government would not allow them to have the same laws for Ireland and this country, but carried this exceptional legislation into every detail of the Bill. Nobody denied that 19 or 21 years' leases in Scotland were regarded as sufficiently remunerative to the tenant; and that being so, it appeared to him almost childish to oppose this Amendment; for there was nothing in an Irishman, that he could see, that should render it necessary to place him upon a different footing from that which was occupied by a Scotchman; nor any reason why customs which had worked satisfactorily in England and Scotland should, in the case of Ireland, be entirely cast aside.

THE EARL OF KIMBERLEY believed, in opposition to the noble Earl who had just spoken, that the present state of Ireland was due to the fact that we had hitherto legislated too much for that country in the same manner that we had legislated for Scotland and England. He believed, moreover, that if we had adopted that exceptional legislation for Ireland which the noble Earl so much deprecated, Parliament and Her Majesty's Government would have been spared much vexation. He conscientiously believed that the chief cause of the evils with which we had had to contend, arose from the fact that we had not sufficiently considered the difference of circumstances between Ireland and this country, and that we had been too much wedded to our own ideas and opinions to admit of our legislating with much chance of successs. Now, nothing could be more unstatesmanlike than to say that, because a law works well in our country, it must work well in another; and, in fact, to legislate for Ireland, with a different set of circumstances, as you would for England, was the real exceptional legislation. With regard to the Amendment, personally he was in favour of it, as it was his own practice to grant leases for 20 years; but it was impossible to deny the fact that in Ireland the general feeling was in favour of leases for a longer period. Mr. Dillon, whose experience on this subject was very great, and whose opinions were by no means extreme, in giving evidence before a Committee of the House of Commons in 1862, was of opinion that agricultural leases ought, considering the great want of permanent improvements in Ireland, to be granted for 31 years; adding, that a 19 years' lease would be ample if the Irish tenant found his farm in the same state as that in which a tenant usually entered upon a Scotch farm. Mr. Joynt, a very well-known land agent, giving evidence before the same Committee, stated that no value was placed in Ireland upon a 21 years' lease. He would ask their Lordships whether, in dealing with this question, it was worth their while to endeavour to force upon the Irish people opinions which were not congenial to them, and to insist upon customs which, however well they might have worked in England and Scotland, had not been found successful hitherto in the case of Ireland?

LORD CAIRNS said, that as to the opinions of Mr. Dillon and Mr. Joynt, of which the noble Earl had spoken, he must remind their Lordships that they were given with reference to an entirely different question—namely, what length of lease would be sufficient compensation for improvements. But they were not now dealing with the question of improvements, which would be duly considered in a subsequent clause, under which it was provided—and with that provision he believed no interference had been proposed—that nothing less than a 31 years' lease would remove from the landlord his liability to pay compensation to the tenant for the improvements made by the latter. If their Lordships were to adopt the Amendment proposed by his noble Friend, the tenant at the end of the 21 years would still go out with a complete and perfect right to be compensated for the whole of his improvements. These two questions should be kept entirely distinct. A man in the position of a tenant from year to year might, by having his tenure prematurely closed, suffer such an amount of inconvenience as equitably to give him a claim to compensation; but if a man agreed to take land for a fixed term, and at the end of that period to give it up, how could he possibly say that he was surprised or deceived? When the clause was first proposed, it was said that if the mere granting of a lease were to be held to deliver the landlord from being compelled to give compensation, nominal leases of from three to four years might be granted, so as to evade the spirit of the clause. That, he thought, was an argument of great force; and it was their Lordships' duty to attempt to define what length of years constituted a substantial and tangible lease; but that once ascertained, the question of compensation should be kept entirely distinct. What right had a man who took a 21 years' lease, and covenanted at the end of that term, to give up the farm to come forward on the expiration of the time and claim an extra period of seven years for his improvements?

LORD MONCK hoped their Lordships would not accede to this Motion. The justification of the clause was to be found in the fact that the land in Ireland had been brought into cultivation almost exclusively by the labours of the tenants, and that gave them a claim to consideration totally irrespective of any specific improvements they might make. Some evidence had already been given to show the length of lease which was most highly thought of in Ireland; and, as a further proof, he might mention that in the settlement of Irish estates, the duration of agricultural leases, which power was given under those instruments to make, was invariably 31 years. He was sorry to say anything to disturb the amenities which had passed between the occupants of the two Front Benches. Nothing could be fairer or more conciliatory than the tone of the noble Duke opposite and of the party, speaking generally, with which he was associated. He was bound to say, however, that the manner of the noble Duke was very suggestive of the velvet glove that covered the iron hand. When it was found that every Amendment proposed to the Bill had for its object to minimize the application of a principle which had been admitted on the second reading, and to cut down as much as possible every advantage that the Bill gave to the tenant, he did not think that a wise course for the House to pursue, either in relation to its own character or to the wishes of the people of Ireland. Having accepted the principle of the Bill, it would be more wise, as well as more generous, to accept the provisions of the Bill than to pare down the concession by successive Amendments. If the Bill were passed in a mutilated shape, not only would this create grave dissatisfaction in Ireland, but it might give rise to a serious agitation against property.

THE EARL OF LONGFORD said, the reference just made to speeches and Motions in that House, and to their probable effect upon the minds of the Irish people, led him to think that there were some noble Lords who were speaking to the Gallery rather than with any clear appreciation of the principles of the Bill.

THE LORD CHANCELLOR said, he had no wish to speak to the Gallery, or to engage in the conflict between the two noble Earls who had last spoken. He was bound, however, to point out that the Government were in the position of reasoning, not only with the commander of many legions, but of trying to reason with those legions themselves, which sometimes broke away from their commander as they did the other night. Comparisons of customs that found favour in England or Scotland with the ordinary customs in Ireland were altogether deceptive. In Ireland, the 31 years' lease was the general form, and the 21 years' lease was comparatively unknown.

THE DUKE OF RICHMOND said, the number of Irish leases for 21 years and for 31 years was, as nearly as possible, equal. But there were, undoubtedly, a large number of leases for periods longer than 31 years.

THE LORD CHANCELLOR understood that there were four times as many of the longer leases in Ireland as there were of the 21 years. The Irish people would not thank their Lordships for offering them a 21 years' lease; they might as well offer them nothing. Their Lordships had differed from the other House as to the sliding scale of compensation; they had differed also on some minor and pettifogging points, and now they proposed to cut down the duration of the lease. If they insisted on cutting down leases from 31 to 21 years they might as well give up the attempt to satisfy the people of Ireland with their legislation on this subject. It was all very well to argue the matter from an English point of view; but what was wanted was to take into view all the circumstances of Ireland, and act accordingly. It would be better to give up the attempt to pacify Ireland altogether than to make half concessions. He would remind their Lordships of the saying of an eminent man of antiquity, who, when he was asked whether he had bestowed upon the State the best laws, replied—"I have given the best for them."

Viscount LIFFORD said, he should like to ask the noble and learned Lord if he had ever inquired what would satisfy the people of Ireland? For himself, he firmly believed that nothing but legislative separation from this country would satisfy Ireland. With regard to leases, the practice of the county of Tyrone was to give leases for 50 years. Long leases were also given in Down and Armagh in consideration of improvements.

Viscount POWERSCOURT wished to state to their Lordships a few facts about leases from his own experience. In Ireland it was the custom of the country to give leases for 31 years; it was not the custom to grant 21 years' leases. On his own estate there were leases of 75 years. It was the custom to grant leases to tenants when the landlord came of age. His grandfather and his father granted leases for 31 years or three lives. He himself had granted leases for 31 years when he came of age, but without the lives; but he should say that those tenants who had leases were those who not only made least improvements, but who made no improvements whatever. He had tenants who had made improvements, but the only tenants who had done so were tenants from year to year. This was contrary to the course of things in England and Scotland—he could not undertake to explain the anomaly, but such was the fact. His tenants in Tyrone and Ulster had made very large improvements both in the reclamation of land and in building houses, but they were all tenants from year to year. He was very glad to give a lease to any tenant who wanted to improve on the security of a lease; but he generally found when application was made for a lease that the tenant was in debt, and wanted to borrow money by the mortgage of his holding.

The Earl of CARNARVON said, he would not destroy the effect of the admirable speech of the noble Lord on the other side (Lord Powerscourt), who, though unintentionally, had done more than any other speaker to support the argument of his noble Friend the noble Duke behind him. He rose merely to observe that there appeared to be some misconception in the minds of many noble Lords. They were not discussing the question of leases for 21 or 31 years with reference to improvements made, but with reference to disturbance, wholly irrespective of improvements.

Earl GREY thought it unadvisable to make Amendments for the mere sake of Amendments; and in speaking this he believed that he expressed the views of the farmers themselves.

The Earl of PORTARLINGTON confirmed what had been said by the noble Earl the Secretary for the Colonies as to the deep feeling that existed on the subject of leases for 31 years in Ireland, and the great disappointment that would be felt if the proposal in the Bill were cut down to 21 years.

The Duke of RICHMOND denied that the object of noble Lords on his side the House was, as had been stated by a noble Lord opposite, to minimize the effect of any advantage that the Bill contained; and, as the noble and learned Lord on the Woolsack had gone so far as to describe his Amendments as of a pettifogging character, he would venture to deny the allegation. In two or three instances he might have sought to make merely verbal alterations; but, with those exceptions, all his Amendments had been described in the speech which he made on the second reading of the Bill, on which occasion he carefully guarded himself and those who acted with him from being supposed to agree with all that the Bill contained; and said that, in his opinion, the measure would require alteration in many of its details. He also went through the clauses, and described the Amendments which he thought would be necessary, and those Amendments had been strictly adhered to. He ventured further to say that none of his Amendments were contrary to the principle of the Bill.

On Question, That the word proposed to be left out stand part of the clause? their Lordships *divided*:—Contents 111; Not-Contents 140: Majority 29.

*Resolved* in the *Negative.*

Then the word ("twenty-one") *inserted.*

The Marquess of SALISBURY said, their Lordships had now come to that part of the Bill which appeared to him to be most dangerous. His Amendment was, in line 6, to leave out "one hundred" and insert "fifty," his object being to make tenants at the latter rental entitled to compensation under the provisions of this section. He confessed he viewed those six lines of the clause as the most detestable legislation he had seen for many years, and the course which he should have wished to take, if he could have hoped to carry a majority with him, was to strike out this part of the clause altogether. The principles laid down by the Government in support of the clause were various, but there was only one to which any stability could be attached—the allegation that in consequence of the poverty of certain of the Irish tenants they were unable to take care of themselves. He did not say that the allegation was completely accurate; but, assuming it to be so, it was a reason which commended itself to one's mind. It was, however, admitted by the Government that there was a limit to that proposition. They did so by laying down in the Bill that—

> "The tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not more than £100, and held under a tenancy from year to year, existing at the time of the passing of this Act shall, if disturbed by the act of his immediate landlord, be entitled to compensation under and subject to the provisions of this section."

The Amendment which he was about to propose would draw the limit at a £50 instead of a £100 valuation. On what principle had the Government fixed the limit at £100 and said that a tenant whose holding was valued under that sum was not able to take care of himself? He proposed to say that a tenant whose holding was valued at £50 was very well able to take care of himself; indeed, he should be disposed to fix the limit at a sum very much below £50, because he thought that any tenant who was above starvation might be considered as occupying a position which enabled him to protect himself. By another part of the Bill, the tenant taking a holding valued above £50 would be allowed to contract himself out of the Bill. Why did the Government propose one principle for the future and another for the past? But their Lordships were told that the circumstances of Ireland were exceptional. He wished to know why was the man of small means in England better able to take care of himself than the man of small means in Ireland? When they came to a limit of £50 they came to a limit which English landlords and tenants knew very well. He called upon English landlords well to consider this clause, for they might be assured that the principle proposed to be established by the Government by this clause for Ireland would, if it were adopted, speedily travel over from Ireland to England. This was not a question of custom or compensation—it was, in effect, giving Irish tenants certain rights that were not recognized in any other country in the world. This Bill was, in fact, a heavy penalty on the generosity of the landlords, for if a landlord kept a family for many years on his estate, this Bill would severely punish him for doing that which he considered in the light of a kindness. If the impression were once made upon the minds of English landlords that they were likely to be brought within those principles, they would, as their only refuge from its evil effects, put up their farms to competition, make large holdings, adopt Scotch leases, and carry on their dealings with their tenants on hard trade principles. The relations between English landlords and tenants were the best that existed anywhere between landlords and tenants. Nothing but the principle of such a Bill as this would disturb them. Therefore, he desired there should be no mistake about it, that this Bill applied to Ireland and Ireland alone.

Amendment *moved*, in page 6, leave out ("one hundred") and insert ("fifty").—(*The Marquess of Salisbury.*)

EARL DE GREY AND RIPON said, that if the noble Marquess had moved to strike out the whole paragraph that would have been a perfectly logical course; but his Amendment was scarcely logical. He was sure that noble Lords on both sides of the House were thoroughly convinced that this part of the Bill especially was necessary in order to secure the peace and prosperity of Ireland. If that were so, he asked whether it was desirable that there should be such a limit established as that proposed by the noble Marquess? The result of such a restriction, he believed, would be the spread of great discontent and dissatisfaction in Ireland with the legislation of this country. Though the class of tenants who paid above £50 were not so numerous as the classes which paid under that amount, they were, nevertheless, an important class, and the legislation of this clause ought to extend to them. As far as the future was concerned, tenants over £50 could, under Clause 11, contract themselves out of the operation of the Bill, and the question which their Lordships had now before them was narrowed to the consideration of whether it was desirable positively to prohibit all existing tenants from £50 to £100 a year from coming under the operation of this clause. It appeared to him that the Amendment pared down the operation of the clause without adequate necessity, and in a manner which was likely to lead to much dissatisfaction, as well as seriously to impair the benefit their Lordships intended to confer on Irish tenants, and in order to confer which they were willing to make considerable sacrifices. The noble Marquess asked what was the difference between the case of the Irish and that of the English tenant generally; but it was to be supposed that those who had agreed to the principle of that clause must have seen sufficient reason in the circumstances of Ireland to induce them to do in the case of that country that which he was confident they would not have done in the case of England. There could be no doubt that a very great difference in this matter existed between England and Ireland, and that the excessive competition for land and the scarceness of other means of employment than agriculture placed Ireland in an exceptional position as compared with the rest of the kingdom. The Amendment would seriously lessen the probability of the acceptance of the clause, and he hoped their Lordships would not adopt it.

THE DUKE OF CLEVELAND said, that thus far he had supported the Bill from the conviction that it was a measure of justice, and was likely to produce great benefit to Ireland. But while he admitted that an exceptional state of things existed in Ireland that required a remedy, and thought it would be bad policy to pare down very much the measure brought in by the Government, still there was, in his view, a great principle involved in the proposal now before them, and upon full consideration he should feel bound to accept the Amendment. In Ireland, a tenant at £50 a year was perfectly independent, and the principle of compensation for disturbance being a novel and exceptional one ought not to be extended too far. He had no fear that such a measure would be introduced into England, the genius of whose people he did not think it would suit; but believing that a great and just principle was involved in the Amendment proposed by the noble Marquess, he should for that reason support it.

THE EARL OF BESSBOROUGH said, nothing could be more mischievous to the success of the Bill or the peace of Ireland than the attempt to carry the Amendment. All who were acquainted with Ireland knew that the £50 class of tenants exercised great influence on those below them, and if they were dissatisfied with the provisions of the Bill—as they certainly would be if the Amendment were adopted—there was but little hope of the measure pacifying Ireland. There was one circumstance in connection with the land which was perfectly intelligible in Ireland, but, perhaps, not so in England, and which had an important bearing on the question. There was no Irish landlord who did not know that an Irish marriage was a purely commercial speculation. The match was often hardly thought of two days before it was made between the young couple; a bargain was struck by the parents or friends; it was a question of the fortune of the parties and dependent on the size of the farm; and the landlord generally had a knowledge of the arrangement. Was it right, then, that he should be able to turn round the following day and turn the young tenant out without compensation? He regretted that the limitation in the clause had ever been introduced, and he most sincerely trusted the Committee would not accept this Amendment of the noble Marquess.

THE EARL OF LONGFORD remarked that they had not heard to-night quite so much about justice as about dissatisfaction. This Bill was ostensibly a small tenants' Bill; £50 had been adopted in a most important particular, and it would have been much better if it had been placed at the head of the compensation scale. He would cordially support the Amendment.

LORD GREVILLE said, it was quite true that this was exceptional legislation; but the state of Ireland required exceptional legislation. The House had passed the two first clauses without hesitation. The first legalized the Ulster custom; the second gave compensation in the other three Provinces for disturbance of occupation. Now, he should have much preferred that the Ulster tenant-right should have been extended to the whole of Ireland. As to the compensation given by this clause, if they excluded tenants between £50 and £100 what would happen? In the first place, they would place the tenants in the other three Provinces of Ireland at a disadvantage compared with those of Ulster. In Ulster there was no limit whatever under the custom of the Province; but here, as regarded the other Provinces, it was proposed to fix a limit of £50. There was no limit in Ulster as to the amount which the tenant might claim; but in the other three Provinces it could not exceed £250. In Ulster a tenant might at any moment quit his holding and could obtain compensation; but in the other Provinces no claim could be made unless the landlord disturbed the tenant. Again, in Ulster the offer of a lease was no bar whatever to the custom; their Lordships had just decided that in the other Provinces a tenant with a 21 years' lease could not claim under this section. Then they allowed a tenant in the other three Provinces to contract himself out of the Bill; but in Ulster that could not be done. Here there were five cases in which the position of the tenant in Leinster, Munster, and Connaught was very unfavourable compared with that of the tenant in the Northern Province. The clause had been much diminished in value by the Amendments which their Lordships had already made, and if the Amendment of the noble Marquess was carried he thought it would be fatal to the success of the measure. The tenants of from £50 to £100 were the leaders of public opinion; they would be dissatisfied, and would endeavour to make others dissatisfied also. The Bill would also become a Consolidation Act, and that would be no recommendation to the tenantry of Ireland. He should look with great apprehension to a renewal of the agitation of which they had had quite enough last autumn. The best way to put an end to it would be to accept the Government measure. It would be unfortunate if, by alterations made in this House prejudicial to the interests of the tenant, the Bill was changed from what was passed by the House of Commons by large majorities, and he regretted the Amendment proposed by the noble Marquess.

THE DUKE OF RICHMOND said, he found himself on this occasion in a very disagreeable position, as he was unable to support the Amendment of his noble Friend. But being of opinion that the proposal was not judicious, he did not think it would be fair or proper on his part to give a silent vote. Nobody could deny that there was an inconsistency in leaving £100 in one part of the Bill when in another they had put the limit at £50; and if they were drawing up this clause for the first time he would not hesitate to insert the words proposed by his noble Friend. But he looked at the matter in this way. He thought the class of persons in question might never come under the operation of the clause at all. He apprehended that tenants between £50 and £100 were never likely to be evicted unless for nonpayment of rent. If that were so, he was of opinion that it would be unsafe to put a limitation in the clause which those people might regard as unfair. In the Amendment introduced in the scale he wished to touch only the lower part, while the upper part was left untouched; and so in this case he thought it better not to touch the class of men who would be affected by his noble Friend's Amendment. These were a very important class in the districts in which they resided; they were the men selected to fill the office of Poor Law Guardians, and they were likely to do an infinity of harm if they went through the country declaring that they had been unfairly excluded from the benefits of the clause.

THE MARQUESS OF CLANRICARDE expressed his extreme disappointment at the illogical explanation of the noble Duke. The noble Duke said he apprehended that tenants between £50 and £100 were not likely to be often evicted. Why, then, retain them in the Bill? That was exactly the reason why those tenants should be excluded from its operation. The noble Lord (Lord Greville) had spoken of the tenants of Ulster being more favoured than those of the other Provinces. But what was the reason? Why, it was because they had paid for their farms; and now they were giving compensation out of the pocket of the landlord to tenants who had not paid one shilling. It was the very men to whom was intrusted the whole of the local government of the country, who were among the most prosperous members of the community, and who were not dissatisfied with their position, that Her Majesty's Government declared by this Bill to be incapable of taking care of themselves. He could therefore see no reason why the proposal of the noble Marquess should not be accepted by the Committee.

THE MARQUESS OF SALISBURY said, he regarded this matter as one of such vital importance that, at the risk of separating himself from one for whose opinion he had so much respect as he had for that of the noble Duke, he should divide the Committee.

On Question, That the words proposed to be left out stand part of the Clause? Their Lordships *divided*:—Contents 101; Not-Contents 119: Majority 18.

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Hutchinson, V. (*E. Donoughmore.*)
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Zouche, L.

*Resolved* in the *Negative;* Then the word ("fifty") *inserted.*

Amendment *moved,* page 4, line 13, page 6, line 14, after the word ("void") in both these places, add—

("Unless the Court shall sanction such contract, which it is hereby authorized to do upon the application of the tenant, on being satisfied that the tenant receives a benefit under or by virtue of the contract which is a sufficient compensation for the waiver of his claim under this section").—(*The Earl of Lichfield.*)

The Earl of BESSBOROUGH supported the Amendment, mentioning a case within his own knowledge to show that landlords would be inclined to act liberally towards the families of old servants who happened to possess a holding on the estate, but who could not do so unless a permissive power to contract existed.

Earl GRANVILLE said, the whole Bill was based upon the supposed incapacity of the tenant to contract. He thought it better to leave the Court to deal with cases as they arose than to attempt to provide for them beforehand by special clauses.

Amendment (by Leave of the Committee) *withdrawn.*

The Duke of RICHMOND proposed to leave out the final words of the clause "and thereafter until Parliament shall otherwise determine," with the object of limiting the restraint on the contracting power of the tenant to a period of 20 years from 1871. This Amendment did not interfere with the principle of the restraint itself, but merely fixed the limit of its duration.

Earl GRANVILLE thought it would be very undesirable to put into the Bill anything suggestive of a compact, which might be capable of being viewed as an advantage to one side and a disadvantage to the other. The words as they stood had been introduced to meet a suggestion of the noble Duke's Friends in the other House of Parliament. It was impossible to accept the noble Duke's proposition, because no one could tell what might be the state of circumstances at the end of 20 years; but he thought they would meet the difficulty by adopting the words "unless then Parliament should otherwise determine."

The Duke of RICHMOND suggested a further alteration of the words proposed by the noble Earl.

The Earl of LONGFORD said, it was impossible to make out what was going on at the Table between the two noble Lords. Why not adhere to the Amendment as placed upon the Paper?

After short discussion, Amendment (by Leave of the Committee) *withdrawn.*

Clause amended, by adopting the term "until January, 1871, and no longer, unless Parliament shall otherwise determine."

Paragraph, as amended, *ordered* to stand part of the clause.

Amendment *moved,* in page 4, line 15, to insert the following Proviso:—

"Provided always that in the case of the landlord being disturbed in possession of his property by forced sale in the Landed Estates Court, it shall be lawful for such Court to consider whether the price obtained by sale of such property has been diminished by the operation of this Bill, and in case said Court shall find such to be the case, said Court may award such sum as it may deem fair and reasonable to recoup the seller for decreased value received from sale of his property in consequence of the provisions of this Bill, such sum so awarded never to exceed, together with the amount of purchase money, a sum amounting to 20 years' purchase on net rental of property sold; this provision to cease 20 years after the passing of this Act."—(*The Lord Oranmore and Browne.*)

Earl GRANVILLE objected to the Proviso.

On Question, whether to insert? *Resolved* in the *Negative.*

Clause *agreed to.*

House *resumed;* and to be again in Committee on *Monday* next.

House adjourned at a quarter past One o'clock A.M., to Monday next, Eleven o'clock.

# HOUSE OF COMMONS,

*Friday, 24th June,* 1870.

MINUTES.]—SUPPLY—*considered in Committee —Resolutions* [June 23] *reported*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*First Reading* — High Court of Justice* [180]; Appellate Jurisdiction* [181].
*Report of Select Committee*—Valuation of Lands and Assessments (Scotland)* [102-179].
*Committee*—Elementary Education [167]—R.P.

## MANAGEMENT OF CONVICT PRISONS.

### QUESTION.

MR. FLOYER said, he would beg to ask the Secretary of State for the Home Department, Whether, as stated at the inquest on Edward Bly, one of the warders of the Convict Prison at Portland, he had been placed in sole charge of the working convict party in consequence, among other reasons, of the requirements of the War, Admiralty, and Prison Departments; and, whether, considering that several warders have lost their lives within no long period from murderous assaults upon them by Convicts, it is not possible to make better provision for the safety of such officers in charge of working parties, especially when the parties are employed at such a distance from each other that assistance in case of need cannot immediately be given?

MR. BRUCE said, in reply, that the working parties in Portland were employed on public works of considerable magnitude, and were distributed to meet the requirements of the works as far as was possible consistently with the preservation of a good guard. It was true that many parties were in charge of only one officer each; but besides the officers in charge of other parties there were guards and other officials within call to render assistance. No single officer, therefore, was left absolutely in charge of a number of men. It was the duty of every officer to keep all the prisoners of his party in front of him and under his observation, and it was in consequence of the neglect of this rule that Edward Bly was attacked and came to his death; but it was impossible, whatever care was taken, always to prevent an occurrence of the kind referred to if the convict were bent upon committing the assault. He had inquired into the matter, and believed all reasonable precautions were taken as a general rule; but he promised to direct the attention of the chiefs of the department to the subject.

## CASE OF MR. FENELLY.—QUESTION.

MR. OSBORNE said, he would beg to ask the Secretary of State for the Home Department, Whether he has any objection to lay upon the Table of the House the Memorial presented to him in the matter of Mr. Fenelly, with the Appendix thereto, and also the Memorial of the Special Jury who tried the case?

MR. BRUCE replied that Memorials of this sort were regarded as privileged communications affecting the exercise of the prerogative of the Crown, and not as ordinary official correspondence; it was not, therefore, usual to present them to the House, except in response to an Address to the Crown praying for their production.

MR. OSBORNE said, he would take advantage of the first opportunity to move for the Papers.

## THE BRIDGWATER COMMISSIONERS.

### QUESTION.

MR. J. LOWTHER said, he would beg to ask the Secretary of State for the Home Department, Why the affidavit of the Bridgwater Commissioners has been omitted from the Return ordered by the House on the 10th of June, headed—"Copy of all Affidavits (not already laid upon the Table) filed in the Court of Queen's Bench in the matters of the Queen *v.* Fenelly, and the Queen *v.* Hardiment?"

MR. BRUCE, in reply, said, he had nothing to do in the matter. The Motion for those Papers was in the hands of the Officers of the House, and the Question should have been directed to them.

MR. J. LOWTHER: Do I then unstand that the matter is not in the hands of the Home Department?

MR. BRUCE: No; it is in the department of the Officers of the House.

## CADETS IN THE INDIAN ARMY.

### QUESTION.

MR. SALT said, he wished to ask the Under Secretary of State for India, What number of Cadetships will in future be allotted annually to the sons of Officers who have served in the Indian Army; what is the number of applications for Cadetships at present outstanding and unsatisfied; and, whether a preference is given to the sons of Officers who had fallen in action?

Mr. GRANT DUFF: In reply, Sir, to my hon. Friend's first Question, I have to say that eight commissions will be allotted to the sons of Indian officers for the next two or three years, till the reduction of the Army is carried out. In reply to his second Question, I have to say that about 200 applications are now outstanding and unsatisfied, exclusive of applications from persons disqualified by age. In reply to his third Question, I have to say that a preference is given to sons of officers who fell in action; but of course the merits of the father are only one element in deciding as to the claims of the son.

### IRELAND—THE MILITIA.—QUESTION.

Colonel FRENCH said, he would beg to ask the Secretary of State for War, If, after abolishing the Quartermasters of the Irish Militia Regiments, he is now about to reduce one-half the number of sergeants serving on their staff?

Mr. CARDWELL: Sir, the quartermasters in Ireland will be dealt with as the quartermasters in England and Scotland. A retiring allowance has been accorded to them, and in future quartermasters will be discontinued. As regards sergeants on the permanent Staff, considering how long it is since the Irish Militia was called out for training, we have not thought it necessary to fill up all the vacancies on the permanent Staff.

### ELEMENTARY EDUCATION (*re-committed*) BILL—[Bill 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. ADJOURNED DEBATE.

FOURTH NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th June], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

> To leave out from the word "That" to the end of the Question, in order to add the words "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds,"—(*Mr. Henry Richard,*)

—instead thereof.

*Mr. Salt*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. MUNDELLA said, that though the length at which the subject had been discussed was likely to have wearied the patience of the House, he hoped it would be productive of good results in facilitating the progress of the Bill through Committee, and assisting them to amend it in a manner that would make it a measure of a truly national character. The postponement of the measure to another Session would be a great calamity. In its present shape the Bill, in his opinion, was far more acceptable than when it was first introduced. In the first place, the Conscience Clause as it now stood was a real and effective one, and no hardship could take place under its operation in existing schools. The withdrawal of the building grants, he thought, would have a tendency to prevent that stimulus to the denominational system which it had hitherto had. He regretted that that system had been brought into existence; but as it did exist, it was their duty to make it as effective as possible. He was glad to see that the proposed year of grace had been abolished. He had great sympathy with the object of the Amendment of the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), because they had been told that unsectarian religion was illogical and impossible; he believed unsectarian education was possible and eminently practicable; and undoubtedly the exclusion of creeds, catechisms, and formularies tended in that direction. Before the Bill left the House he trusted it would be explicitly declared to the country that no sectarianism should be taught in our schools. His hon. Friend the Member for Merthyr Tydvil (Mr. Richard) complained of the proposed increased grants to denominational schools, of the absence of direct compulsion, and of religious teaching being given at the expense of the State. He should himself protest against a uniform increased grant of 50 per cent to denominational schools, and if a Vote for the money were asked for, he should oppose it unless he were satisfied it was necessary either for assisting certain schools in poor districts, or for rendering the education given in the existing schools more efficient. Many of the denominational schools could absolutely dispense with an increased grant. He held in his hand the balance-sheet of five schools at Nottingham, giving an education to 1,200 scholars. It appeared that the total expenditure last year was £1,249 4*s.* 6½*d.* The private subscriptions amounted to only £360 18*s.* 3*d.*; the children's pence to £500 or £600; and the Privy Council Grant to £400 and odd pounds. It was clear, therefore, that if an increase of 50 per cent were given to these schools they would not know what to do with it. When a national system of education came into operation we should have compulsion, and we should find education could not be carried on without compulsion. However much hon. Gentlemen might set their faces against it, he must tell them that there never was and never could be a national system completed without direct compulsion. Under a system of compulsory education the denominational schools would be filled; whereas at present they were frequently unable to get the Government Grant in consequence of the attendance of children not being sufficiently large. He was no enemy to denominational schools; but he knew it was utterly impossible under a denominational system to obtain that high standard of education which was obtainable under a national system. The tendency of the denominational system was to multiply small schools, and small schools could never be good schools. For a system of education to be successful the schools must be established on a large scale, and the scholars divided into classes, as in Switzerland. Mr. Sandford, one of the Government Inspectors, in a letter written last year, stated that there was a great want of education among the young miners in South Staffordshire; while Reports and other documents showed in what an advanced state education was in Westphalia and other parts of Germany. In the mines there some of the guides were able to speak English. If we had a really national system of education there would be no longer any necessity for the extension of the denominational system. In our large towns, for instance, in which children were now attending the Church schools, it was but fair to suppose that, when increased accommodation was provided, a great many of them would pass from the denominational to the national schools, thereby increasing the area of accommodation in the former. He hoped, therefore, the Government would, in Committee, consent to introduce such changes into the Bill as would prevent any large extension of the denominational schools. The hon. Member for Merthyr Tydvil, he might add, had complained that the system of compulsion provided for in the Bill was only permissive; and, for his part, he thought that was one of the greatest blots in the measure. He had every sympathy with the working classes; but he should be glad to see the compulsory system introduced, if tentatively, yet uniformly. If we could not do as was done in Prussia, the children might be taken at five and kept to school till ten, or even nine. If compulsion was resorted to in the case of children who were at work, why should it not be had recourse to in the case of those who were unemployed? But, happily, the system of permissive compulsion was so illogical that he was quite satisfied it could not possibly be maintained; and there was so much good in the Bill that it would crush out of it many of its defects. According to a recent estimate made by Mr. Barclay, the number of children growing up more or less in entire ignorance within one square mile in the East-end of London was 23,000. To provide schools for those would cost £75,000; but when schools, books, and schoolmasters were provided without compulsion, what would be the result? A beggarly extent of empty benches. And did hon. Members suppose that the ratepayers would long submit to be heavily taxed for schools which no children attended? In the district to which he had just referred there was already good school accommodation for 3,500 children; but what was the value of any such provision unless there was compulsion? He felt satisfied that when his hon. Friends opposite made provision for the education of one-sixth of the population they would not be content that only one-third of that one-sixth should go to school. In the square mile in the East of London, of which he was speaking, there were 165 public-houses and 163 beer-houses, and the estimated amount annually spent in them by the very poor people of the neighbourhood was not less than £450,000. If 1*d.* out of every 6*d.* now spent in drink were put aside the amount raised in one year would be more than sufficient to build the schools required, while if 1*d.* out of every 23*d.* was set apart it would keep those schools up efficiently without any Government aid whatever. When 4*s.* 3*d.* a week was spent by each family in drink, and only 2½*d.* on schools, ought there, he would ask, to be any remorse felt at resorting to a system of compulsion? Ought we to allow those people to bring up their children in misery and filth and squalor? If they became paupers we supported them; if they died in our workhouses we buried them; in fact, we dealt with all the consequences which flowed from their wretched condition and their ignorance, but we never touched the cause. In the case of the Manchester Aid Society 12,000 tickets out of 21,000 issued were, according to Bishop Fraser, absolutely thrown away, although they were free tickets, because the parents were too ignorant and too indifferent to use them. His hon. Friend the Member for Edinburgh and St. Andrews Universities (Dr. Lyon Playfair) had the other evening, in his eloquent speech, made some remarks which indicated, he thought, less faith than he once had in the compulsory principle. He seemed to be afraid lest we might be too rash in the use of it; but he (Mr. Mundella) held in his hand a statement to the effect that if compulsory education were objected to, because it was inconsistent with liberty, —which was denied by the writer—the retention in ignorance of the population was slavery. Such was the language used by his hon. Friend in a lecture which he had delivered on primary education. He knew it was quite true that Prussia had attempted to enforce education in the course of the last century, and how had the system been destroyed? By the Napoleonic wars. The moment, however, that she had re-constituted herself, the first words which were addressed by her King to his Parliament were—"What we have lost by physical we must regain by mental force," and Prussia, acting on that principle, had splendidly succeeded. Last year, he might add, the Report of the French Commission, which had been alluded to on the previous evening by his hon. Friend the Member for Stroud (Mr. Winterbotham), had been presented to the House. That Commission had inquired into the state of primary and technical education in Switzerland and Prussia; but, taking France first, what did the Report say? That in France, after 29 years of the operation of the benevolent laws with respect to education, and notwithstanding the constantly increasing exertions of her Government, which had expended sums for the purpose rising from 100,000 to over 4,000,000 francs, there were still 274 men out of every 1,000 who could neither read nor write. It would affirm, the Report went on to say, that so long as no more efficient measures were adopted than the expenditure of money there was little likelihood of improvement. There was another objection to the permissive system. His hon. Friend the Member for East Derbyshire had told him that he, in common with other gentlemen who took a great interest in education in his neighbourhood, could not get the children to school, and the Bill would do nothing for them. He had received a letter from the Rev. Orlando Forester, brother of the Member for Wenlock (General Forester), expressing a hope that the House would make some net wide and tough enough to catch every child; for in his parish, out of 1,100 children, 700 did not go to school. The vicar of Nottingham made a visitation of seven wards of that town, and, after examining a certain number of young women, found that 30 per cent did not know the name of the Queen. One, venturing to guess, said it was Elizabeth. He now came to the third part of the Resolution, and here was his point of departure from his hon. Friend, who would entirely exclude religious education from the school. That was not the way to accomplish the work which had to be performed, for what was wanted was to infuse into the people a better moral tone, and to give them backbone and strength to resist temptation. That could only be done by supplying the highest motives. Mere reading, writing, and ciphering would not provide that power. He did not undervalue secular education; but he saw no necessity for cramping it in the way proposed by the Resolution. He knew it was said that the religious instruction desired by so many could not be given without trenching on religious liberty. He would always be found on the side of those who were ready to vindicate religious liberty, and he did not advocate religious instruction in the school for the advantage of any Church or sect, but for the purpose of making the population wiser, better, and happier. They all knew that education could be given with religion without trenching on religious liberty; and he ventured to say that if his hon. Friend the Member for Merthyr Tydvil had a number of refractory lads to deal with, he could not get through a single morning's lessons without infusing some religious instruction into them. There was at Nottingham a purely secular school, of which he had been a trustee for nearly 20 years. A Nottingham merchant died some years ago and left a large sum for a secular school, and by the trust deed he prohibited the reading of the Bible in the school. The trustees—and he believed he was himself the only Churchman among the number—never attempted to break the trust, but appointed a good master and told him to do the best he could. A splendid school it had proved; but he (Mr. Mundella) had found that the children were well up in religious education. During the Whitsun holidays he went to the school, and having taken the books away and examined them, he found that 19 out of the 31 were decidedly religious books. He told the schoolmaster that he was breaking the provisions of the trust deed, for many of the books illustrated the history of the Bible, and all the books of poetry were religious. The schoolmaster replied that if the best histories and the works of the best poets were to be excluded, then a new language and a new literature must be invented. For his part he entirely agreed in that statement, and believed that to exclude religion from the school would be to prohibit the reading of Macaulay, Milton, Shakespeare, and other great authors. John Milton, who was as good a Nonconformist as the hon. Member for Bradford (Mr. Miall), had said that the people should be taught faith, and to place their private happiness in the maintenance of the public peace and the public safety. The Pilgrim Fathers, too, when they went to America, established Bible schools; and it was stated in the report on the Massachusetts schools of last year that the knowledge of the rudiments of grammar and arithmetic did not constitute education any more than a man's tools constituted mechanics; and it went on to remark that if other nations could afford to neglect the moral training of the young the American nation could not, and that wisely did the law declare the design of the schools was to impress on the minds of the children the principles of justice, a sacred regard for truth, love of country, and universal benevolence; and while no text book except the Bible was allowed, and everything sectarian was avoided, instruction in those matters should be imparted by the teachers. The Society of Friends, in the able presentment they had made to the First Minister of the Crown, had exactly hit the right medium. They said that, as we were assured that the fear of the Lord was the beginning of wisdom, it was their conviction that moral and religious training could not be safely excluded from elementary education; and that, as the Holy Scriptures were the record of the will of God and of his purposes towards man, all moral and religious training should be founded on the great truths therein set forth. The difficulty in this case arose, he believed, from a confusion between ethical teaching in schools and religious worship. There was the utmost difference between a State Church and elementary schools. Would the hon. Member for Merthyr Tydvil carry out his Motion to its logical conclusion in all cases? If he did, what would happen in respect of the pauper children in England and Wales, of whom he found there were 392,000 at the beginning of the present year, and the 100,000 in industrial schools and reformatories, all of whom were receiving a distinctly religious education? When the State stood *in loco parentis* to these children, would his hon. Friend deprive them of the only teaching that would give them strength and power to resist temptation? If not, was it to be only pauper children who were to receive religious instruction? He trusted that the children of those wretched people who had no power to communicate it would also receive it. The hon. Member for Bradford had referred to a speech of his in which he spoke of religious instruction being received at the mother's knee. He (Mr. Mundella) admitted that it should begin there; but the question was, who were to train the mothers? When we knew that there were thousands of parents utterly incapable of communicating religious instruction to their children, how could we say that we would leave their training wholly to the parents? It was said—"Leave it to the Churches;" but had it not been left to the Churches long enough? And would the Bill alter the relations of parents to their children, or of either to the Churches? Not in the least. All that it would do would be to prepare the child's mind to receive religious instruction, to make it receptive, so that in the Sunday school it might receive direct religious truth, instead of the teachers there being subject to the drudgery of teaching boys and girls their letters. While trusting that the Bill would be improved in Committee, he asked hon. Members to remember how much would be gained by the Bill. The provision of schools must precede compulsory attendance. If the decision of the question were put off, the denominational system would increase by a sort of automatic process, for its promoters would accelerate its expansion, knowing what was to come. Was it not better that the building grants should be stopped at once? When he heard the hon. Member for Stroud say that but for our religious differences we might have had an educated population, he blushed to think that his countrymen could not agree on these minor points. He maintained that they could agree; and, although the Prime Minister said that unsectarian teaching was illogical, it must be admitted that it was English and practical. If the right hon. Member for Birmingham (Mr. Bright) had been present he would have done something to remove the cobwebs that surrounded the question; for, as he said at Birmingham — "We want schools to bring up our children in the love of virtue, the love of truth, and the love of God." He (Mr. Mundella) had thus been reminded of the words—

"Oh, for a touch of the vanished hand,
And the sound of the voice that is still!"

He implored hon. Members not to lose this opportunity of securing a grand and national system of education; for, whatever its defects might be, they would be corrected in time by its merits, and with freedom and household suffrage it was impossible now to impose religious inequality. If there were too much or too little of religious teaching in the schools they could correct that year by year. He would be the last to countenance proselytism for the benefit of Church or sect; but for the sake of obtaining the schools, he implored hon. Members to go into Committee and pass the Bill.

MR. W. H. SMITH said, he had listened with great interest to the speech of the hon. Gentleman who had just sat down. He could not refrain from expressing his regret that the hon. Gentleman had in some measure spoken against the existing denominational system; but he felt sure the hon. Gentleman would, at any rate, acknowledge, with that House generally, that a great work had been accomplished by the operation of the denominational system, which, while denominational, was not sectarian. He had received a letter from the clergyman who was the manager of the school at Nottingham to which the hon. Gentleman had referred, and the writer, who had shown far greater zeal in the cause of education than in that of sectarianism, said that in 19 years' experience of schools attended by a large proportion of Dissenters, and subject to a Conscience Clause, he had not met with the case of a parent who had objected to Biblical instruction, while only 1 per cent had objected to the use of the Liturgy. The interest of the managers of schools in the little children led them to endeavour to make them good Christians rather than good Church people. Dr. Fraser the Bishop of Manchester, who had long been an educationalist, said that his idea of a religious education was as far removed as possible from sectarianism, which, in the miserable sense of the word, was not the atmosphere breathed in our elementary schools. This was an accurate and just statement of the spirit which animated those who were responsible for the education of the poor. He had lately availed himself of many opportunities of conferring with the class for whose children they were seeking to make provision, and he found that the point upon which all were agreed was that religious instruction should not be banished from the school, although some of them did say, most frankly, that when they were young they had too much of it. The feeling of the working men of his constituency was that education, unless conducted in a religious spirit, would be unworthy of the name. There was another point upon which they had expressed themselves most warmly—they did not coincide in the views of some hon. Gentlemen from the North of England with regard to the enforcement of the principle of compulsion. They were not prepared to accept that principle. They felt it an insult to themselves that because there were little ragamuffin children running about the streets, they should be compelled to send their children to school whether they liked it or not. For his own part, he doubted the practicability of compulsion, and he thought the right hon. Gentleman the Vice President of the Council had acted rightly in not enforcing the adoption of that principle upon the school Boards. If that system were to be adopted at all, it must be by degrees, and certainly not before the people of this country, and especially the working class, had admitted the necessity for it. The hon. Member for Sheffield (Mr. Mundella) had referred to the fact that compulsion was enforced in Prussia with very satisfactory results. He admitted that the Germans owed a great deal to education; but it must be recollected that for many centuries they had enjoyed the inestimable benefit of a paternal Government such as we should not be disposed to accept, and it was very doubtful whether, under the freedom they at present enjoyed, the Germans themselves would be inclined to submit to the enforcement of the principle of compulsion if the question were now to come before them for the first time. But if the principle had answered in Prussia it had failed in America, where, notwithstanding its enforcement, the average attendance at the schools was not so great in proportion to the population as in England. In the New England States there existed free schools, and the testimony received from America was not altogether in favour of the operation of that system. On the contrary, it was told that there was as much ignorance in some parts of the States as there existed in England. Mr. Fraser, in his Report upon the Common Schools of America in 1866, said that in spite of legal enactments absenteeism and truancy continued to be greatly increasing evils in that country, and that the percentage of attendance was not better than among ourselves, notwithstanding that there was a regular police system under which children were followed to their homes and their parents punished if they had not sent their children to school. This view was confirmed by the American people themselves, and was supported by the reports of the district inspectors of schools. According to a statement taken from the school report of Pennsylvania, out of a population of 150,000 there were 20,000 children who attended no school at all. In Massachusetts, with a population of 192,000, the attendance at school amounted to only 1 in 7½. In Boston there existed the law of compulsion, and officers were appointed to enforce attendance. But in England the attendance was something better than 1 in 7. He did not argue against the duty or the necessity of sending children to school, nor against framing our legislative measures with the view and hope that success should attend our efforts to educate them; but if we were to look upon America as an example, we should hesitate before we rushed into the extreme of enforcing attendance by compulsion, with the possibility that our legislation might be open to the charge of inefficiency. The proposition contained in the Amendment moved by the hon. Member for Merthyr Tydvil was one which it was impossible that House and the country could receive with satisfaction. The hon. Member had asked that House to affirm the principle that grants were not to be increased, that attendance should be compulsory, and that there should be no religious teaching. Now, if that proposition were adopted, what would be the cost to the ratepayers of the metropolis of carrying it into effect? What would be the cost of establishing free schools? The metropolis contained a population of 3,000,000, and the number of children for whom school accommodation would have to be provided would be about 500,000. The managers of existing schools would not concur in the new system, and would, therefore, refuse to place their schools at the disposal of the school Boards, who would have to provide for the erection of new school buildings, the cost of which would not be less than £10 per child, making a total of £5,000,000. To meet this expenditure, and to provide school requisites, a sum, including interest, of at least £8,000,000 would be required, in addition to the annual charge for providing instruction. The total annual charge for the school rate for the metropolis would amount to something like 1*s*. or 1*s*. 6*d*. in the pound. Having had some considerable experience on the subject, he could state that there was a strong feeling in London at the present time against any increase in the rates; and no measure involving an increase in them of 25 per cent would stand a chance of being carried into effect. The scheme of the League might be regarded as being utterly impracticable in the present temper and resources of the ratepayers of the country. It might be taken that the annual cost of providing school buildings and education for each child would be 16*s*. Altogether the cost of the school under the rates must be something between 35*s*. and £2 per head per annum, and the cost under the present system must be taken at 28*s*., the cost of building the schools being left out of the calculation. The hon. Member for Sheffield referred to the increase of the grants; there was one for which, for his own part, he (Mr. Smith) begged to thank the Vice President of the Council most heartily on behalf of the ratepayers. The Bill, as it stood before the change was made, threatened to impose a heavy burden on the ratepayers of large towns; but there was a clause which provided that when the rate of 3*d*. in the pound did not realize 10*s*. per child, the Exchequer should make up the deficiency. The increased payment for results would be a great boon to the ratepayers as well as those who preferred to maintain voluntary schools. As regarded the school Boards, he preferred the liberty of action allowed to them in the original Bill; but, dealing with the Bill as it stood, he thought that much would be gained by extending the area of the school Boards so as to relieve them from sectarian and local influences as much as possible. He regretted that the sectarian spirit had been excited in regard to this question by the starting of difficulties and the exaggeration of differences which before had no existence in the minds of the people. But for the raising of this sectarian spirit he believed there need have been no fear that the school Boards would not work harmoniously, as school managers had hitherto done. As far as the country was concerned he would recommend that the school Boards should have a large area; and he thought it might be contrived that they should be conterminous with the divisions of the county, or even with the county itself. If that were so, they would take a much broader view of the necessities of each case than if they were confined, as proposed, to a parish. At the same time, the rates should be levied so as to fall only on the district the school benefited, just as local improvement rates were sometimes restricted to the district benefited by the improvement. The arrangements for the metropolis were by no means satisfactory; he was glad to see on the Paper the Amendment of the hon. Member for Finsbury (Mr. W. M. Torrens), suggesting one school Board for the whole metropolis, instead of the complicated and unsystematized plan of the Bill, which placed the metropolis in some cases under the superintendents of the pauper schools, and in others under the Vestries; the metropolis would be placed under 25 Boards, each consisting of from 36 to 130 members, while Liverpool and Leeds would be under a special school Board of 12 men, who would naturally be more fully impressed with the responsibility of their position than a Board appointed for another purpose. He trusted that the Government would consider the advisability of appointing one school Board for the whole metropolis, which should be directly responsible to the ratepayers. But, upon all these moot points, he was sure those on his side of the House were ready to make any concession not involving vital principles, in order to ensure the passing of this great measure. They felt that it was their duty to do the best for these poor children, who could not be said to have parents to care for them. He would urge the House to sink all minor differences of opinion in the attainment of the one great and grand object which Members on both sides had in view.

Mr. WALTER said, that during the few moments he proposed to address the House he would carefully refrain from entering upon any of those wide fields of discussion which had been ranged over by some hon. Members. A great portion of the speech of the hon. Member who had just sat down, however important in itself, was scarcely relevant to the question immediately under consideration—the Amendment of the hon. Member for Merthyr Tydvil (Mr. Richard). That was, he apprehended, a very narrow question, and despite the gloomy forebodings of his right hon. Friend the Member for Oxfordshire (Mr. Henley), he believed the several parties in the House would very soon find the difference between them and their opponents was narrowed to a very small point indeed. The question he ventured to submit to the House was which of the two systems was preferable—the greatest number of mixed schools with a religious element pervading them to which the great majority of Protestant Christians in this country assented, or a number of purely secular schools with a strong denominational element outside them. He had no hesitation in giving his preference to the former of these solutions of the difficulty. He admitted it was a difficulty, but it was one which must be encountered; for neither the House nor the Government could renounce its duty or shirk the obligation they were under to furnish a solution of the problem which would be just to the country at large and as far as possible in accordance with the wishes of the majority of the parents. There was no doubt whatever that a Census of the poorer part of the population would show that a school without religion would not be acceptable to them, for he would rather trust the homely, unvarnished, and evidently true account of the feelings of the poor given in the little book from which the Vice President of the Committee had quoted than all the statements made upon the same point in election speeches. Here was presented a picture of the feelings of mothers of children, who might be taken as a fair sample of the class for which it was proposed to legislate, and no one who perused the book could doubt that the feelings of those mothers were much more in favour of a scheme such as was proposed by the Bill than of the scheme proposed by the hon. Member for Merthyr Tydvil. Indeed, the feeling in favour of religious teaching was sometimes of an almost ludicrous character, and it appeared that parents who had no preference for religious schools entertained no objection to them. Even the Jews, so far from objecting to their children being taught religious doctrines, complained if they were not taught them. One member of that community said—"Teach my child all the Christianity you can; I will make him a Jew just the same at home." And other parents had made statements to a similar effect. The book he was alluding to was full of cases where mothers, on being consulted as to whether they preferred religious education, uniformly declared that they would rather not send their children to school at all than to a school in which no religion was taught. If the Resolution of the hon. Member for Merthyr Tydvil had been confined to the first paragraph, it would have placed him somewhat in a difficulty, because he agreed with the hon. Gentleman that it was undesirable to increase the grants to denominational schools. In the first place, there was, he believed, no demand for such an increase. Nobody had, as far as he was aware, ever asked for an increase of the grant. He was an old supporter of denominational schools, and he had always thought the grant was quite sufficient if it were distributed on fair and reasonable principles, instead of being limited by the somewhat stringent conditions imposed upon managers by the rules of the Education Department. He knew a very good school, receiving no grant whatever, where the annual cost of the education did not exceed £1 per head; and if the Education Department would leave the schools alone, and be content to pay for results, he was convinced that the schools would be conducted quite as efficiently and more cheaply than at present. He was heartily glad to find that the Government proposed to discontinue building grants, as he believed the money thus saved would be well saved. Looking to the object of the measure, which was not merely to supplement the present system, but to provide a new system that would tend to supplant it—and he acknowledged that to be the legitimate object to be aimed at by the Government in laying the foundation of a national system—looking to this he could not but consider that the Government had committed an error in proposing the additional grant to denominational schools, for it would be obvious that a scheme of an additional grant would have the effect of checking the growth of a national system and of perpetuating that which a national system was intended to supersede. Therefore, had the hon. Member's Amendment been confined to that point he could not have voted against it. The hon. Member was not content with this, however, but went the whole length of insisting on universal, absolute, uniform and inevitable compulsion. For his own part, he was not prepared to go that length. In the first place, he wished to know precisely the kind of schools to which the children were to be compelled to go, because until he knew that he could not accede to an abstract Resolution which declared that compulsion should be in all cases and everywhere the rule. Compulsion was a very good doctrine in the abstract, but a very different thing in the concrete, and before adopting any absolute universal system of compulsion the House ought to have some idea of the machinery by which it was to be carried out. How could we deal with the miserable children who were to be seen swarming in our streets, lanes, and alleys, only half-clad, and covered with filth and vermin? Was it intended to compel them to go to school and sit among the tidy, orderly, and cleanly children of respectable working men? The least that could be done would be either to establish a compulsory ward, or to provide separate schools for children of this class. The House ought to be thoroughly informed on these subjects before assenting to a Resolution of so stringent and sweeping a character as that proposed by the hon. Member. He did not know how far the Resolution would tally with the definition of that education, which, according to the Bill, was to exempt a child from the compulsory clause. How could they ascertain that every child was adequately educated? Was some one to be sent to the children's houses in order to examine them? The machinery for doing that would necessarily be of a very complicated character, and there would be great difficulties in the way of enforcing such examinations. The people would set their faces against education. That was the very thing which it was important to avoid. He believed that the passing a moderate measure in the first instance would be more likely than compulsion to make education universal. In the rural districts a good school was pretty sure to fill, and frequently the attendance was in excess of the accommodation. He knew of an instance where several children walked nine miles every day in order to attend school. He believed that, in the rural districts, there was no difficulty whatever in getting the children to attend, and that it was a libel on the population in general to say they required a compulsory measure, which, if applied to respectable and well-conducted people, bore an offensive appearance. The Amendment of the hon. Gentleman, of course, opened the whole question between secularism and sectarianism. Now, he was bound to say that his hon. Friends who advocated the secular system had somewhat shifted their ground since the subject was first mooted. It was once doubtful, according to them, whether even the Bible ought to be read in the schools; but now an hon. Friend of his, who was a warm advocate of the secular system, had stated that after much serious deliberation he had come to the conclusion that the exclusion of the Bible was not consistent with liberal principles, and that he could not see how, in a free country like this, the Bible should be the only English book which was prohibited in the schools. That was a great concession as far as it went, and some members of the League, who spoke at a late meeting, said that after all the Bible would not do much harm, because the children might learn something from its lessons in favour of democracy and the division of property. He would freely make them a present of that on account of the good the children would derive from the Bible. The difference between the secularists and the advocates of religious unsectarian education was really a question of machinery and detail rather than of principle. He did not accuse the secularist party of wishing to introduce irreligion; but he did accuse them of going out of their way in order to create difficulties which, in the ordinary nature of things, would not exist. Their conduct reminded him of those amiable persons whom he remembered at school, who, for their own amusement, liked to get up a fight between two boys who wanted to be good friends with each other. The moderate Churchmen and Nonconformists were agreed as to what they meant by unsectarian education, and would work harmoniously together if the Irreconcilables on either side of the House would allow them. The hon. Member for Stroud (Mr. Winterbotham) might be taken as a leader of that warlike party on that (the Ministerial) side of the House, and he did not know whether the hon. Member for the University of Cambridge

(Mr. Beresford Hope) and the noble Lord the Member for North Leicestershire (Lord John Manners) might not be regarded as leaders of the party on the other side. The latter would have the Catechism or nothing, and the former would have no religion taught in the schools at all. He thought, however, that the majority of the House, faithfully reflecting the feelings of the great majority of the nation, would be disposed to take a middle course, although it was very difficult to define in an Act of Parliament what unsectarianism meant. If an angel from Heaven—one of that higher order of beings to whose care children were supposed to be specially confided—could look down and see the House quarrelling over the kind of religious instruction to be imparted to children between six and twelve years of age, would he not shame hon. Gentlemen by saying that they were discussing this subject not in the interest of the children, but in consequence of the petty and narrow jealousies of hon. Members themselves? All this discussion had been going on in this year of grace 1870, when deputations from all the leading Protestant bodies in England—Churchmen and Dissenters—were about to proceed to New York, braving the perils of the ocean and the horrors of sea sickness, in order to prove to the Pope that there was no difference among Protestants with regard to their religious opinions. Surely, if they could not agree on the kind of religious education which was fit for their children they had better stay at home and spare their pockets and their health. He believed the proposal of the Government to exclude distinctive formularies was far better than that of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), for inserting words to the effect that the religious teaching should be of an unsectarian character, because it was extremely difficult to define in Parliamentary language what unsectarian meant. It was difficult to define common sense, and yet everybody knew what it meant. He might mention the instance of another term. In former trust deeds it was sometimes provided that the schoolmaster should be a "godly" man. The members of the Church of England said that that term belonged peculiarly to themselves, and they retained the privilege of having the control of those schools for many years, because they declared that a "godly" man meant a member of their Church. The Dissenters, however, thought that was not an accurate definition, and they succeeded in getting a footing in many of the endowed schools, and claiming for themselves a share of this godliness. He thought it was in the same way impossible to define by Act of Parliament what sectarianism or unsectarianism meant; but he could, at the same time, assure his Nonconformist Friends that, so far as he was concerned, he was willing to make any compromise or to accept any terms which they might propose to secure them against proselytism, of which they were afraid, provided they gave him security that the education provided in these schools should be of as religious a character as any pious mother, whether Churchwoman or Dissenter, would give her own children. Did they not use common hymns? Were not there common elementary books from which children were taught at their mother's knees, whether they happened to be Nonconformists or Churchmen? Was not one book in particular put into the hands of almost every child as soon as he was able to understand it—he meant the *Pilgrim's Progress?* Would any body of Christians contend that when a work of that kind, written by a Dissenter and containing, in a beautiful allegorical form, the sublimest truths of religion, was so universally read, it was impossible to agree about the kind of religious instruction proper to be imparted to children? For the reasons which he had stated he would give a hearty support to the Government measure. He should be breaking faith with the House if he were to detain it any longer. He would simply express a hope, in conclusion, that when the Bill got into Committee the present excitement would give place to a more practical tone of mind, and that Parliament would be able to present the Bill to the country before the close of the Session in a workable, useful, and satisfactory shape.

MR. HORSMAN: Sir, it appears to me that the speeches we have heard this afternoon, able and argumentative as they have been, all tend to confirm the growing conviction of my mind that we must address ourselves in this discussion not only to the actual provisions of the Bill, but also to the peculiar position in which we now find ourselves, and to the best means of escape from it. The speeches which have been made, the Amendments introduced by the Government, and the manifestation of opinion out-of-doors, all have surrounded the question with difficulties. I never remember—and in saying this I am sure I only express the opinion of the oldest Members of the House—on a question of equal magnitude, a position of greater perplexity. We are all desirous of passing the Bill, yet we are almost unanimous in finding some fault with its provisions. Hon. Gentlemen on the other side accept the Bill, without liking it. When I say they do not like it, I am not accurately describing their feelings—all their speeches have been one long unbroken chorus of lamentation, and condemnation, and reproach. But they accept the Bill; they are wise in their generation. They know the tendency of public opinion. They know that the system of denominational education is shaken to the roots, and that it depends for its further existence upon the breath of one man. They know that agitation in favour of the opposite system has grown up and is becoming formidable, and they also know that when the present Prime Minister believes it to be his mission to give effect to a great popular demand, he has a way of his own of doing it thoroughly and rapidly —a way that it makes their blood creep to think of. They know that they have been mercifully dealt with in the Bill—[" No, no!"]—and they are wise to support it. The hon. Gentleman who says "No" is anxious, I believe, like many others on the Benches opposite, to hurry on the Bill, because he cannot tell what a year or a day may bring forth. Then the Bill is supported by a great many Members on this side of the House. But my hon. Friend the Member for Sheffield (Mr. Mundella), whom I may take as a fair representative of others, dislikes the Bill while he accepts it. Dislikes it did I say? Why, there is not a speaker who has torn the Bill more to pieces than he has. He protested against the scheme. He denounced the denominational system; but he told the House it was impossible to exaggerate the magnitude of the evils which might be caused by delaying the passing of the measure for another year. The hon. Gentleman puts no faith in those strong declarations of my right hon. Friend the Vice President of the Council, that the Government have got to the limit of the concessions which they are prepared to make. He hopes for further Amendments in Committee, and he supported the sectarian Bill in a strong unsectarian speech. The Vice President of the Council and the right hon. Gentleman at the head of the Government do not regard the Bill as all that is to be desired. They aimed, and very properly, at a practicable rather than a perfect measure. They were surprised, like other people, by an unexpected exhibition of popular feeling. There are difficulties which they did not foresee. Those difficulties they have endeavoured to meet in a conciliatory spirit, and I cannot speak too highly of the conciliatory spirit which they have exhibited, or of the judicious manner in which they have met the objections made to the Bill. They have endeavoured to introduce Amendments in good faith and all with the best intentions. But then, unfortunately, it cannot be denied, though it is to be deplored, the unhappy and unforeseen result of those Amendments has been to dissatisfy one side of the House without conciliating the other, so that the last prospects of the Bill are not much better than the first. As the Government have proceeded the difficulties have grown on them, although the Vice President of the Council stated at the outset that the religious difficulty was one which the nearer it was approached the more it disappeared. Now, my right hon. Friend has been very uncomfortably near it for some weeks past; but instead of disappearing it becomes magnified like a figure in a mist. Still the Government, of whose sincerity and earnestness in dealing with the question it is impossible to speak too highly, feel that they must proceed with the Bill, because, as was said by the right hon. Gentleman the Prime Minister, their honour and character are concerned in its passing. But then they must be conscious that they are in the unfortunate dilemma which, I will venture to say, is peculiarly distasteful to the present head of the Government, more than of any Liberal Government which ever occupied the Treasury Bench, that, on going into Committee, their honour and character will both be placed in the hands of their habitual opponents. They will be compelled to pass the religious clauses, which are the most important, and to which there are the strongest objections, by the support of those opponents, against the wishes of their Friends. Now, as to the Amendment of my hon. Friend the Member for Merthyr Tydvil (Mr. H. Richard), whatever may be its merits, it seems to me that there is about it no ambiguity and no compromise. By it the issue is fairly raised between the denominational and the unsectarian and national principle. "Take," said the hon. Member, "as you please, one principle or the other. You cannot take both; they are hostile, antagonistic, and irreconcilable." Then he made an appeal not in words, but in substance, to the right hon. Gentleman at the head of the Government, which, I must confess, appears to me to be irresistible. "Your concessions," argued the hon. Gentleman, "have brought you to a point at which you cannot stand still. I appeal not to your official antecedents, but to your most recent declarations. Only on the Thursday of last week it was impossible to mistake either your language or your thoughts, and the logical consequence from your honest convictions must, ere long, bring you to my side." Now, naturally with their views, both the Government and their supporters opposite object to the Amendment of my hon. Friend. But on what ground do they do so? "Here," says my hon. Friend, "at any rate is my principle, tell me what is yours who support the Bill?" Where is it? Echo answers, "Where?" I have listened for it in vain in the speeches which have been made on the other side of the House. I look for it in vain in the speeches which have been made in favour of the Bill on this side of the House, and I seek for it in vain in the Bill of the Government. I understand the denominational principle, as advocated by hon. Gentlemen opposite, which means that the State shall pay all religions. I understand the unsectarian and national principle advocated by my hon. Friend near me, which means that the State shall pay no religion. But I cannot understand the combination in the Bill of two opposite, irreconcilable, antagonistic principles, which are brought together to construct a large well-intentioned educational project, undeniably, but, as I think I can show, unworkable, owing to the combination of opposite and contradictory provisions which are absolutely irreconcilable, except by the abandonment of everything which has even the appearance of a consistent principle. How does the Bill propose to get over the religious difficulty? I take the speeches of the right hon. Gentleman the Vice President of the Council, of whom I may say that no one can listen to him without being strongly impressed with a sense of his honesty as well as his ability. The right hon. Gentleman says that there is a political difficulty—a Parliamentary difficulty; and that if we can get over the Parliamentary difficulty, the religious difficulty will be found to be less formidable. But what is the Parliamentary difficulty? The right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) recognized it, and the right hon. Baronet the Member for Droitwich (Sir John Pakington) pressed it home when he asked the Government—"What pledge do you give—what guarantee do you give—that this increased Government Grant will be kept up to the same standard in future years?" The noble Lord the Member for Liverpool (Viscount Sandon) followed up the question. He made the suggestion that there might come a day when some one less worthy, less trusted than the right hon. Gentleman might occupy his place at the Council Board, and he said—"What security have we that under such a man these increased grants will be continued?" Now, the right hon. Gentleman the Vice President of the Council, while he grappled with every other point submitted to him, and in many cases I must admit grappled successfully with the objections against his Bill, studiously avoided answering that question. The right hon. Gentleman the Secretary of State for the Home Department also avoided the question; and when the right hon. Gentleman at the head of the Government rises to speak I venture to predict that he also will be careful to avoid giving the required pledge, because no Minister who has any regard for his own character will commit himself to a pledge which no Minister has power to redeem. For myself, I look forward with anything but satisfaction to the annual discussions which we are likely to have upon the question whether these increased annual grants shall be discontinued. The difficulty of the Government has arisen from this—that they did not know how to deal with the schools established under the denominational system. They felt that they could not refuse to yield to the claims—I admit the claims—those schools have to consideration by the great services they have rendered to the cause of education—and I, for one, while I have the strongest objection to the denominational system would join with the Government in resisting every attempt to violate the engagements into which the State has already come with them. But I do not see the same reason for the increased grant, and I anticipate that it will become the subject of an annual debate, as we remember was the case with Maynooth; and I, for one, look forward with no satisfaction to the part which we shall have to take in that discussion. Objecting as I do to the enlargement of the denominational system, I cannot be a party to any vote for an increased grant; and, at the same time, I honestly confess that if it would not be a breach of faith, it would at least be an act of cruelty and unfairness to withdraw the grant at present made from those who on the faith of the Government have invested their money and undertaken to maintain the schools for the benefit of the uneducated poor. I now come to the educational difficulty. What is the educational difficulty? It arises from the rivalry of sects, from the conflict of creeds. It is a legacy from the old bitter wars that in bad times were prosecuted between the Dissenters and the State Church—which, handed down from those days to the present, impels the representatives of those proscribed bodies now to watch with jealousy and to resent as an injustice anything which has the appearance of imagination of an advantage to the Church. That, they say, is inconsistent with those principles of equality which they proclaim as the representatives of one-half of the population. That equality they claim as a right, and they say they have the power to exact. Now, how does the Bill deal with the religious difficulty? Its authors affirm two propositions—first, that every poor man's child shall be religiously educated; and, next, that there shall be no compulsory teaching of religion; and they take security for this latter provision by a Conscience Clause. Hon. Gentlemen on the other side of the House take great credit to themselves for having conceded a Conscience Clause; hon. Gentlemen on this side of the House take equal credit to themselves for having carried a Conscience Clause. I stand between the two. I am about to express an opinion which at present may sound heretical in the ears of many hon. Gentlemen on both sides, but which I am convinced in a short time both sides will accept as orthodox. This I say—that as applied to a national system designed to educate every poor child religiously not only is the Conscience Clause a delusion, but I defy the wit and ingenuity of man to devise a scheme which shall be more mischievous, pernicious, and fatal to religion than the Conscience Clause. I accept, what is assumed by the Bill, that the Conscience Clause will be brought largely into operation. That is the basis of the Bill. I know that there is another opinion, perhaps more generally held, that the Conscience Clause will be little used. But I have heard it stated, and I gathered from some of the speeches delivered last night, that the Conscience Clause will be so largely brought into operation that it will lead to the absence from school, during the hours of religious education, of every child that is not of the teacher's own creed. If that be so, your Conscience Clause will come into operation on three occasions—first, when the Bible is read, but not explained before or after school hours; secondly, when the Bible is read and explained before or after school hours; and, thirdly, when the Bible is read and explained, along with other methods of religious instruction, by the teacher in school hours. The teaching of the Bible in school hours, however, is not in the Bill; but it may be inserted by Amendments. We know that it is advocated by a large and influential party, and I wish to show what is the opinion of a large portion of the clergy and laity of the Church of England. There was an important meeting held on this subject a few weeks ago in St. James's Hall, which was presided over by the Earl of Shaftesbury, who contended that Bible teaching ought to be considered an essential and not an extra of education, and to be taught in school hours. But now, how would the Conscience Clause operate on these three occasions to which I have referred? Let us take the first—The Bible read but not explained.

Is that religious teaching? and if it is, is it sufficient? Does it not assume that there must be some religious teaching given elsewhere? and, if so, what becomes of the argument of which we have heard so much, that it is only in these schools that the children can receive religious education? You assume that they must have religious teaching elsewhere, for your own system is admittedly insufficient; and I think it may be proved that it is not only a negative good, but a positive evil. I may state an illustration which I met with the other day in the newspapers. A reverend speaker at a meeting said—Suppose a scholar in class comes to a particular passage in the Bible—suppose it be that passage "Ye must be born again." No intelligent and attentive child would hear that passage read without desiring to know what it means. He goes up after the lesson to his teacher, and he says—"Please, Sir, what is the meaning of that passage?" His master replies to him—"My dear boy, I am not allowed to tell you." Day after day passages such as these occur; but the child's attention is crushed, his interest is discouraged. The reading of the Bible becomes a mere form, his interest in it is chilled, and he grows up apathetic, callous, and indifferent to all religious questions. On every other subject his curiosity is stimulated, his intellect sharpened and encouraged. The Bible alone is the book which he is taught will not stand explanation. That, then, is my objection to the first operation of the Conscience Clause; I maintain that, if the teacher reads the Bible, he must be allowed to explain and expound the passages he reads in order that the children may understand them, and that their early knowledge of the Scriptures may be made a blessing to them for time and eternity. I come now to the second mode of working of the clause—where the Bible is read and explained before or after school hours. I suppose the attendance at such a lesson will be very scanty. I say this on the authority of the Secretary of State for the Home Department, who told us yesterday that 50 per cent of the children would not willingly attend religious instruction. The Vice President of the Council, indeed, said that he spoke in the interests of the children, and that his Bill insured that every poor man's child should have the benefit of religious instruction.

Mr. W. E. FORSTER: I never said that. The Bill insures that elementary instruction should be given to the whole community.

Mr. HORSMAN: The right hon. Gentleman said that religious instruction would be brought home to every poor man's child.

Mr. W. E. FORSTER: No; certainly not. It was of elementary education that I spoke.

Mr. HORSMAN: Then the Home Secretary said so yesterday. I put it to the House—have not the promoters of the Bill said, in effect, that the principle of this Bill was to put religion in the way of being brought home to every poor man's child? ["Hear, hear!"] I am glad I have got that admission. But how is religious teaching to be brought home to those who absent themselves from religious teaching? The right hon. Gentleman the Home Secretary asked where these poor children were to get religious teaching? I repeat his question—where are they to get it?

Mr. BRUCE: They will be protected by the Conscience Clause.

Mr. HORSMAN: Ah; but you tell us that the Conscience Clause is to be very largely used. ["No, no!"] No? What is the use, then, of a Conscience Clause? Have we not been told that the Conscience Clause was an important concession; and how is it important unless it be largely used? Where are the large percentage who absent themselves to get religious teaching? They will not get it at the day school. It is the condemnation of the Conscience Clause that a great portion of the children will absent themselves from school during the religious lesson, and they will be given up to ignorance and vice, and will ultimately increase the criminal population of the country. I come now to the third occasion on which the Conscience Clause will be brought into operation—the compromise—where there is religious teaching in school hours. What, according to the arguments we have heard in this debate, will be the operation of that system? At the end of some secular exercise the schoolmaster will say—"Now, boys, I am going to read a chapter in the Bible," and immediately we must infer there will be a rush to the door. According to the assumption of the supporters of the Bill and its Conscience Clause, a large proportion of the scholars will at once vanish. What will be the feelings of those who remain? Will not they follow with envious eyes their emancipated playfellows who have the privilege—do I use too strong an expression when I say the happy privilege—of turning their backs on the Bible? And what will be the kind of teaching given to those who remain? The very least you could do would be to secure that those who are to teach them religion should be religious men; but what security are you to have for that? What security will you have that your schoolmaster will ever open his Bible except when he reads to the children, or that the schoolmasters may not have creeds of their own containing not Thirty-nine Articles only, but 139? The right hon. Gentleman the Member for Buckinghamshire said the other day that we were about to establish a new sacerdotal class. I think we may, under the Bill, also establish new sacerdotal creeds, with a separate creed for every school. The right hon. Gentleman the Vice President of the Council said it was a monstrous thing that in this Christian country the Bible should be excluded from the schools. I say it is a still more monstrous thing that the Bible should operate as a scarecrow to the scholars; that its appearance should be the signal of flight; that its reading should be associated in the minds of one-half of the scholars with longer tasks and less play; that, in the minds of the other half, it should be regarded as a dangerous and forbidden book—separating those whom it ought to unite, and, instead of teaching the children a common reverence, inspiring them with a common dread of the Book of Life. But most monstrous of all is it that, when you agree the Bible is to be taught, you do not intrust its teaching to those who have devoted their lives to the study of holy Scriptures, and who having the confidence of the parents, and from their cradle taking an interest in the children, are best able to bring the teachings of the Bible home to the hearts and affections of the children; but you prefer, on the other hand, to intrust the work to lay teachers, who may be good and pious men, but who may be the very reverse—who may be everything that you abominate and dread. These are the reasons why I believe that the Conscience Clause, as applied to national education, is a delusion. But I do not apply that phrase to it when it is used in the denominational system. I hold that it is essential to a denominational system, and it shows that the denominational system is necessarily partial and imperfect. That is the reason why I believe that the religious difficulty has not been met in this Bill. The question of national education also fails to be met in this Bill. The House, as well as the Government, has fallen into the mistake of ignoring the past history of education; and how gradual, but how sure and how irresistible, has been the growth of public opinion upon it? We are apt to make false assumptions—first, that national education is practically a new question, and that Parliament must therefore deal with it by its own lights, and by the appliances of modern ideas, because practically there are no antecedents on which we can fall back. We also are apt to assume that the issue is between the question of religion or no religion. It has been too much assumed that the country is divided in two parties; the one of which considers that religious education is all-important, while the other attaches an exaggerated importance to secular education, and leaves religion, as a subordinate affair, to take care of itself. Now, in the first place, the question of national education is not new. Its principle was established, and triumphantly established, after many long and hard fights against great odds, in 1839. A foundation was then laid; and a pledge was given that the beginning, at that time made, should be gradually developed. The great men who were the champions and pioneers of national education in that day never made the mistake of confounding denominational and national education. They accepted the first in the days of their weakness, and with the foresight of statesmen and the zeal of philanthropists. They accepted it as the only system then possible in a country torn by the distractions and differences of religious factions; while they indicated, by their speeches, that the system of united secular and separate religious instruction was the only practical, safe, and desirable solution of the question. There is no difference of opinion amongst us on the question of religion. Everyone admits that religious education is even more essential than secular education. We are all of opinion that religion, combined with ignorance, is nothing better than superstition; and that knowledge severed from religion is nothing but cultivated heathenism. We are all anxious to combine and co-operate in giving religious education, as essential. The only difference is that which was well stated by the hon. Member for Merthyr—it is the question of how, when, where, and by whom that religious education is to be given. I do not believe that we can come to a full understanding of the subject, unless we recur to what happened in 1839, when the present system was established. Previous to that date, all education paid for by the State was claimed as a monopoly by the clergy of the Established Church. The clergy of that day, less tolerant, less pious, and less exemplary in the discharge of their duty, insisted that there should be no education assisted by the public funds that was not that of the Established Church. People will be surprised, on looking at the discussions of those days, to see how the cry was got up. It was not supported by clergymen alone, but by the most eminent statesmen of the Conservative party. Sir Robert Peel, Lord Stanley, and Sir James Graham, to the fullest extent, endorsed and supported this absolute and unlimited power claimed for the Established Church. But there was something else that occurred in 1839, to which I will call the attention of the House. Those who established the system of 1839 had not only to break down the old system, but to build up a new one; and the denominational system was accepted as a stepping-stone. Now, what was the opinion of the clergy and the Conservative laity of 1839, with respect to the denominational system, of which they are now such enamoured supporters? Why, Sir, the hostility now shown to the League was friendship, was admiration, compared with the denunciations poured upon the heads of the infidel Whigs who sought to establish the denominational system in 1839. That statement may seem so incredible that I will adduce evidence of it to the House. I will quote the opinion of two great representative men — one the representative of the clergy, the other the representative of the religious laity—of that denominational system which you are now so anxious to support. I have already alluded to the meeting the other day at St. James's Hall, which was presided over by Lord Shaftesbury, and in which he expressed his opinion of the movement in favour of national education. The great leader of the religious opinions of the country on that system was the then Bishop of London—the most moderate, able, and influential of the Prelates of the Episcopal body. Bishop Blomfield said there was no necessity for such a scheme as that educational system; the result of it must be to spread throughout the land latitudinarian principles. The system, if it could be carried into practice, would not be a system of religious instruction. It would lead to indifference; and, at last, to irreligion. The result would be that the children would be brought up in principles of the worst latitudinarianism. That was the character given to the present educational system by the great leader of the Conservative clergy in that day. But what was the opinion of that system expressed by the leader of the religious laity in those days? It is curious to remark the different view that is taken now from what was taken then by one who has taken part in both discussions. The Earl of Shaftesbury, one of the most active, energetic, popular, and eloquent men of the day, of whom no one could speak without feelings of admiration and respect, said the other day—

> "It could not be questioned that under the present movement there lies a great struggle between truth and falsehood, between belief and infidelity; we had a proof of this in the Amendments which had been laid on the Table of the House of Commons. The people of England would not endure to send their children to schools from which the Bible was excluded, a course that would lead the children to regard it as being of secondary importance. There was only one exclusion—and that was the Bible, the whole Bible, and nothing but the Bible."

Now, what was Lord Shaftesbury's opinion of the denominational system in 1839? He said the scheme propounded to the House was hostile to the Constitution, to the Church, and to revealed religion itself, and his firm conviction was that whenever a sufficient opportunity was afforded the country would repudiate still more strongly the strange phenomenon. His firm and strong conviction was that the plan of national education was hostile to revealed religion itself. I have shown you these strong expressions of opinion by the most powerful leader of the Church, and by the mouthpiece of the laity against the denominational system. What does the present state of things prove? That the opponents of change cling to the old state of things with a superstitious blindness—that they are still true to their traditions, and when they cannot meet their opponents in argument they attempt to discredit and overwhelm them by a cry. We have had frequent experience of this. When it was proposed to repeal the Test and Corporation Acts the cry was that "The Church would be in danger." We resisted that cry, and the Church still survives. The cry has always been raised to suit the exigencies of the hour. When it was proposed to admit the Roman Catholics into Parliament there was a new cry—"Protestantism will be in danger." And well did that cry do its work. For a whole generation that cry gave a monopoly of power to those by whom it was raised. But the cry was overcome, and Protestantism still survives. When it was proposed to admit the Jews into Parliament the cry was—"Christianity will be in danger." Well, Christianity was stronger than its friends believed, and survived that cry. But the old spirit still survives—the old voice is still heard—and now when an educational change is proposed as necessary, as just, as wise, as inevitable as any that preceded it, the new cry is that "The Bible is in danger." That cry has not been without its effect; but courageous men have been able to face it. What does that cry at this moment mean? These cries always meant the same thing—that something was in danger. They meant that the power of ignorance was in danger—that the reign of intolerance was in danger—that State-made creeds and law-bound consciences were in danger—that everything was in danger that was opposed to the spirit of the age and to those principles of political freedom and intellectual advancement and of religious liberty and equality which strengthened the mind and fortified the heart against all degradation of superstition and disbelief and became the highest and holiest instrument for the elevation and happiness of man. I have made these historical references to show that the system of national education has had three distinct stages. The first period was the ecclesiastical period, in which the State taught only one religion. The second period was the denominational period from 1839 to 1870. That also, I believe, has had its day. We are now approaching the third period, when the State, abstaining from teaching any particular religion, will lend its influence to the teaching of all—when it will intrust lay teaching to lay teachers, and allow religious teaching to be intrusted to those who have made it a labour of love and the work of their lives. Thus the two systems going hand in hand may assist one another in conferring the blessings of religious and secular education on the whole country. That I accept as the logical, irresistible, and inevitable result of the growth of opinion between the years 1839 and 1870. But, unfortunately, I see no provision for the admission of that system into this Bill; and the Government have stated in substance that they will agree to no further Amendments. I think they have acted properly in stating that; it is undignified and almost humiliating for a strong Government to be continually shifting its position. But the result is that this Bill, if passed, must be passed with its objectionable clauses by the aid of hon. Gentlemen opposite. I cannot incur the responsibility of aiding such a step, and I am driven, as the only alternative, to vote for the Amendment, as a protest and declaration in favour of an unsectarian and national education in preference to the perpetuation and extension of the denominational system. I shall, however, give my vote with reluctance; I acknowledge the great public services of the present Government, and I am anxious that they should maintain an influence which may be exercised for good. I admit that the worst that can be said of them in connection with this subject is that, in common with all the world, they have miscalculated opinion. They have been embarrassed by the growth of public opinion on the subject. It has grown since they introduced the Bill, and they have shown their recognition of that by the changes which, in a conciliatory spirit, they have introduced into the measure. The feeling on the subject of education is different from what it was when the Government introduced the Bill; it is different from what it was 12 months ago, and from what it may be 12 months hence; and I cannot but hope that the Cabinet, knowing and acknowledging this fact, may, on the fullest consideration, take that course which they believe will best serve the public interest, and at the same time redound to their own true dignity and honour.

MR. GLADSTONE: I think I do not misunderstand the general opinion of the House when I say I believe it to be that this debate should close to-day, and undoubtedly if it is to close to-day it would not be convenient that we should divide this day's debate into two portions, and postpone bringing this very long and interesting discussion to a conclusion until after the Motions on going into Supply this evening. And although my two right hon. Friends near me (Mr. W. E. Forster and Mr. Bruce) have both, with great force and with knowledge far superior to mine, explained and defended the provisions of this Bill, the House will perhaps expect that, at the conclusion of the debate, I should state the impression it has made upon our minds, and endeavour to convey to the House our general view of the position in which we stand. It has been said by some of those who have criticized the Bill that it has ceased to be worthy of being regarded as a Bill for national education. But these critics give by far too limited an interpretation of that phrase if they are unwilling to admit that any education can be worthy of the name of national unless the whole machinery by which it is carried on be in the main either immediately, or ultimately intended to be, machinery created by the State and worked through the medium of Imperial or local taxes. We are not able to admit that the signification of the term "national education" ought to be so restricted. The object of our measure is to bring home the blessings of elementary education to every child in the country; and to do so with all the freedom and favour that can properly be bestowed by the action of the State upon religious training, and to do it at the same time with the fullest protection in every case to the rights of conscience; but with a conviction on our part that there is one thing which is indispensable, and which we must not allow to be excluded in any case from our view, and that is that even if we be compelled to limit elementary education to the secular, at least a good secular training shall be secured. And we contend that if a measure can be passed which, in spite of, or, perhaps, we may say, because of its making use of existing and voluntary machinery, attains these objects, it will be well entitled to the honour of the designation "national system." We have found on approaching this question a vast machinery in action; and it is, in our opinion, almost required by justice and by the implied pledges of the State, which have been conveyed in every form, both of declaration and practice, and absolutely required by the dictates of good sense, that we should make use of this machinery. If it be true that the foundation of voluntary schools is in the main due to religious zeal, what is the signification and meaning of that declaration? It is that religious zeal is a mighty engine, which animates the hearts and minds of men, and which impels men, for the sake of communicating the blessings of religious instruction—of securing special guarantees as to the mode in which that instruction is given—to undertake the labour and responsibility of the secular instruction which you wish to convey, subject ever to the best and most satisfactory guarantees; first, as to efficiency, to be tested by yourselves upon your own rules and regulations; and secondly, as to its constant moral influence operating upon the country. The error of those who have in former times dealt with this subject has been that they have stopped short with turning this machinery to account; but I am not ashamed to say that we think it would be a short-sighted policy if we turned from the immense machinery which is now in existence, to inquire narrowly into the motives by which that machinery has been brought into action. With this general explanation as to the idea of national education, let me look to the two great classes of schools which come within its purview. First of all come the rate-schools which will be created by the local Boards, and will remain absolutely under their control. As the Bill was first introduced we thought we might ask Parliament to give to these local Boards unlimited powers with regard to the great question of religious instruction — a discretion ranging from a system purely secular to any form of religious instruction which the Board might deem best adapted to the wants of the district and of those connected with the schools. We have made an important alteration in this, and limited the discretion to be exercised by these Boards. If my hon. Friend who made the Motion (Mr. H. Richard), and my right hon. Friend who has just sat down are disposed to go further than we in a secular direction, they will at least admit the candour of the statement I am about to make. This Bill has been framed in no narrow or grudging spirit in regard to secular education. We have not been afraid to depart from the tradition and practice that has existed—perhaps, too long—under which assistance has been denied to all schools when a specific religion did not form part of the school system. If it be true, as my hon. Friend, my right hon. Friend, and other very eminent Members of this House contend, that the difficulties connected with the choice and administration of a religious system in a country so divided as this ought to recommend us in Parliament at once to arrive at the conclusion that secular knowledge, and secular knowledge alone, shall be under the control of the local Boards, at least this must be admitted, that should that opinion be sustained in each district by experience, and should it be found impossible to face this religious difficulty in detail, it is left entirely open by the Bill, without any impediment or discredit, for each local Board to fall back on the secular system, and to confine the public elementary education to that description of instruction which the State and the civil authority are by the admission of all men competent to give. As regards those whom I will not call secularists, because there is something invidious in the name—as regards those who think it is no longer possible beneficially to maintain the direct teaching of religion in a system founded by public authority, and supported out of the public funds, they have not been excluded from finding vent for their views in the actual operation and administration of the Bill. The Bill is, without doubt, entitled or liable to bear the name of a compromise; but it is a compromise which is not illiberal towards the class of whom I have just spoken. Then, is it illiberal towards the Nonconformists of this country? We have considered the position in which those who would confine themselves to secular instruction are concerned; but how will the Nonconformists of this country stand? We propose to provide that in schools supported from the public rates catechisms or formularies which are distinctive of particular denominations shall not be employed. I have departed from the precise letter of the Bill, and I may remark that there has been criticism on the use of the singular number in the Motion of my right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple). It was not, however, intended by the Government to give any special force by the use of the singular number in the phrase they have adopted; but "catechisms or formularies distinctive of particular denominations" will, I think, be a phrase which more exactly conveys the intention of the Government, and is more in accordance with the intention of the House. Now, is that an illiberal arrangement as far as regards the great Nonconformist Bodies? I have called the Bill a compromise, but it is a compromise in which, undoubtedly, the Church of England considered as an institution, with the free assent, I grant, of many of her members, with the grudging, or at least the reluctant, assent of many, and with the positive disapproval, possibly, of a large portion, is asked by the Government and by Parliament to make a surrender of the distinctive formulary of instruction which it has been her universal practice to employ. Can it be truly said that any corresponding concession is asked from the Nonconformists? And what I say of the Church of England applies yet more strongly to another class who have been little noticed in this debate—I mean the Roman Catholics. On the one hand, bodies accustomed to use formularies as an authoritative means of religious instruction are asked by us to consent to their exclusion from all schools supported by public rates. On the other hand, the same request is undoubtedly made to other religious bodies; but a large proportion of the Nonconformists have no formularies to use, and, consequently, have none to abandon. I am quite sensible that this is a very considerable demand to make upon members of the Church of England. There has been a great disposition on the part of hon. Gentlemen who sit opposite, and whose conduct here we may take as being partially significant of the conduct pursued by a body relatively more powerful in "another place," to make concessions with a view to union of sentiment on this occasion. They have agreed to abandon the system of denominational inspection, on which they set great store. They have agreed to a Conscience Clause which they long contested, and although they may have something to say as to the precise terms of the proposal of my right hon. Friend (Mr. W. E. Forster), they have agreed, if I understand their general expressions aright, to give additional vigour and efficacy to the Conscience Clause by binding it up with certain conditions of time. They have substantially agreed, too, as I gather from running over the abundant declarations of opinion made in the course of the debate, to the last and most considerable demand made of them by the plan of the Government, which involves the exclusion of formularies from public instruction in the rate-supported schools. What I venture to say—and I must express my hope that it involves no derogation to that sentiment of loyalty which ought to unite members of a party—is that I hope we shall not pursue this mode of argument and this mode of conduct—namely, the assumption that whatever is agreed to on the opposite side thereby loses *ipso facto* its significance and importance, is not to be regarded as a concession for which some value may be equitably asked from us, but simply as a starting-point on which we are to found further demands. I say this not because I am desirous to place myself in conflict with the arguments that I have heard in one or two speeches on this side of the House, but because I feel that in the position in which we stand, with practical objects of vast moment in our view, and with this issue before us, upon not only our uprightness of intention but our prudence, judgment, honour, moderation, and self-restraint depend the attainment of those objects, or the loss of them for perhaps an indefinite time. On that account I trust we shall be able to widen and elevate our views for the purpose of dealing with this great question, and endeavouring to arrive at an arrangement which may not only suit the balance of sentiment among a narrow combination, but which may produce a general equilibrium of moral force and be consistent with social instincts spread throughout the wide extent of the nation. With regard to my right hon. Friend the Member for South Hampshire and his Amendment, of which we have made ourselves the organs, it has been objected that it does not exclude by any absolute rule what is termed denominational teaching. Nay, Sir, it has even been said by a speaker of much ability—my hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) — that that Amendment to the Bill exhibits pure and undiluted denominationalism. I am at a loss to conceive with what kind of fairness any person who has examined the matter can contrive to force even his organs of speech to utter such a statement. It is undiluted and pure denominationalism, and yet it is avowedly repugnant to the sentiments of those who would most covet the title of denominationalists, and as far as any man covets that title for himself in that very same proportion is he reluctant to accept this Amendment. It is pure and undiluted denominationalism, and yet its essence is this—that it forgoes, nay, it overthrows, as far as rate-schools are concerned, the use of that which is the note and the characteristic of denominational teaching. I do not think it necessary to discuss at length the question whether a provision of which these assertions can be truly made can deserve a description such as that given to it by the hon. Gentleman to whom I have referred. The other allegation, that it does not exclude all denominational teaching, is of a different character, and let us examine the degree of truth which may be said to attach to it. If we look at the adoption of this Amendment in a speculative way, and without reference to practical consequences, I am sure that all those who are accustomed to appreciate religious systems as such, will be of one mind in stating that this concession is of very great, and, I might almost say, of enormous moment. But, looking at it from a practical point of view, let us consider how we now stand. We now have various systems of schools throughout the country, the great bulk of which are denominational schools. Can it be said that the prevalence of denominationalism in those schools at the present moment is generally felt by the people to be a grievance? On the contrary, is it not the case that everybody and every section are telling us continually that the religious difficulty directly you come to practice becomes insignificant, and that it is a difficulty made for Parliament and for debate rather than one which would be felt within the walls of the schools? Do not let me be supposed to overstate the case and say there is no religious difficulty at the present time. There has been one fault from time to time found by the parents of children, and by the ministers or prominent members of the religious bodies with which these parents are connected. In most cases children attending a school were compelled to attend the place of worship with which it was connected. It has been felt also that it was a hardship that children not belonging to a particular Church should be compulsorily instructed in the catechism of that Church. To a great extent that difficulty is met by the Conscience Clause, and in the present Bill it is not to be met by the Conscience Clause only; it is to be met by an absolute, rigid, and unbending provision which will positively prevent the use of the catechism. However great may be the majority of children in a rate-aided school to whose parents the catechism would be acceptable, these children are to be excluded from instruction in it because it might interfere with the convictions of the minority. At present, then, an extremely small minority experience difficulty from the use of the catechism; hereafter such difficulty will be impossible; and you have nothing to alarm you but this—in certain instances there may be teachers who may so expound the Bible as to give offence. If this evil were likely to exist surely we should know something of it now; but we have not heard of a single case in which this difficulty has arisen from abuse of his position by the teacher. We use the word "denominationalism," which is rather a barbarous word, in two senses. In one it means the full and free teaching of the Christian religion according to conscience and conviction; and in this sense it is worthy of all honour. In the other sense, in which objection is taken to the use of it, it signifies the prevalence of a narrow spirit of proselytism and the development and application of that spirit by turning children aside from the practical lessons of Christianity and intruding dogmatic teaching upon them, when experience shows that the practical lessons of Christianity can be conveyed without such intrusion. Of such denominationalism there is no fear which ought to operate upon the mind of a reasonable man; and if there are those who can see such a difficulty as likely to arise, I would again remind them that it is asserted by teachers, and established by general experience, that the exposition of the Scriptures, as it is now carried on, though under a system far more denominational than can exist in rate-aided schools, has not produced any painful feelings due to the violation of conscience, through unwise, injudicious, bigoted, or prejudiced inculcation of religious views. It appears to me that these are matters which deserve to be considered by us, if we are of opinion that, with the feelings that prevail in this country, with the immense power that can be brought into action upon the side of a great religious controversy, it is now our duty to anticipate that controversy which has hardly yet begun, and, if we can, passing by the point at which it would be likely to arise and intercept us on our way, at once to go forward to seize and secure in the permanent form of legislation an efficient, universal, and liberal system of national education. In the rate-aided schools, while securing the vital principle of leaving to the teacher the exercise of his discretion, upon which his power must to a great extent depend, we have taken effectual guarantees against the violation of conscience through the acts of a narrow or sectarian spirit. Now I come to denominational, or as I shall call them, voluntary schools, and if I am told that an overwhelming majority of voluntary schools are denominational, I think I can draw a lesson from that fact, which is that it shows what a powerful agency we have ready to do our bidding, to perform much of our work for us, if only we will not obstruct it. Another reason for calling them voluntary rather than denominational schools is that under the Bill a great impulse will be given to the public mind in the matter of elementary education; and it is probable that under voluntary action there may spring up schools, founded strictly upon the educating principle, dissociated from objects distinctly religious, and still entitled to claim the aid of the State as instruments of culture devised and employed by the working classes. By the Bill as it originally stood almost unbounded discretion was given to the local Boards as regarded voluntary schools, and that discretion was open to possible abuse in either of two opposite directions. It would have been an abuse of that discretion if, in a district where there were a number of schools imparting a perfectly secular education, the local Board, in lieu of making use of these voluntary schools, had chosen to burden the community with rates for the purpose of creating a number of rival schools to crowd the ground already occupied. Another possible abuse, of which, to my surprise, no note has been taken, was that, under the Bill as it stood, a Board animated with strong prejudice in favour of voluntary schools, might have aided those schools not only to that moderate extent which might have enabled them to continue in a career of honourable competition, but to such an extent as to have extinguished altogether the necessity for voluntary subscriptions, while maintaining voluntary management. The first of these abuses we obviated by asking the House to secure to voluntary schools a moderate degree of assistance; and the second we effectually removed by providing that the assistance to be given shall not go beyond what is necessary for supplying secular instruction, and shall not remove the necessity for voluntary effort and subscription. I, for one, heard the speech of the hon. Member for Oldham (Mr. Hibbert) with much satisfaction. The right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) has said, as to the increase of grants to voluntary schools, our intentions are all very well, but there ought to be a pledge for the future fulfilment of them. Now, with regard to an annual grant, the administration of which must depend upon the application of the Vote of Parliament to particular cases, under fixed rules, it cannot be provided for in the way of a positive pledge by such a Bill as this. I may be told that no such pledge was intended to be asked for; but such a declaration as should suffice to show that a liberal assistance to voluntary schools was not merely in the mind of Government, but was likewise in the mind of Parliament at the time when the Bill was adopted. The proposal of the hon. Member for Oldham appears to coincide very much with that view, because he asks that we should, in the Bill itself, take absolute securities for certain purposes. One of them clearly is this—that whatever is given by the Privy Council to the voluntary schools shall be given only for secular results. It is no concession to my hon. Friend if I state—without committing ourselves at this moment to any particular terms, that we are ready to go along with him, and to insert words with that object, because we are as much convinced as he is that, with respect to these voluntary schools, the duty of the State is to make use of them for the purposes of the secular instruction which they give, but to hold itself entirely and absolutely detached from all responsibility with regard to their religious teaching. That being so, of course we entirely agree with my hon. Friend in the object he has in view. But he has another object in view, which is not less important, and is not less in conformity with the intentions of the Government. If, therefore, we do well in holding ourselves detached from the responsibility for the giving of religious instruction in voluntary schools, we shall likewise take care that, under no circumstances, shall the public grants be allowed so to operate as entirely to supply, together with schoolpence, the sum necessary to support those schools, and that there shall always remain a void which must be filled up by free private contributions, and without which, failing other sources of assistance, those schools would no longer deserve the character of voluntary. If we observe these two conditions: if we, first of all, leave in force the necessity for competent provision from voluntary sources; and, secondly, keep the public contributions carefully below the mark which is the lowest at which a secular education can be afforded by the State, I own I cannot understand how what is called the religious difficulty can apply. If a different opinion has arisen in this House, it is undoubtedly very recently, and would serve to illustrate the doctrine of my right hon. Friend who has just sat down, that the sentiments of the country are growing so fast that it is impossible for the proceedings of Government or of Parliament to keep pace with them. It is in no invidious spirit that I refer to a speech of my hon. Friend the Member for Birmingham

(Mr. Dixon), distinguished as he is by the most intelligent and philanthropic exertions in connection with the subject of education. But at a meeting of the National Education League, which was held at Birmingham no later than last autumn, my hon. Friend laid down this most liberal—this over liberal—doctrine with respect to voluntary, or, as he calls them, "existing denominational" schools, which are, I suppose, somewhere about 20,000 in number. "I would recommend," said my hon. Friend, "that the Government Grants to all existing denominational schools which accept a Conscience Clause should be the same as those to the national rate-schools"—that is the arrangement which we have adopted—"that is to say, they should be increased from the present amount of one-third of the total cost," not to one half, but "to two-thirds, thus relieving the managers of half their present responsibilities. The remaining half would not be too much to pay for the assured advantages of religious instruction and the supposed superiority of voluntary management." If my hon. Friend holds that opinion he does not hold it merely as an individual, but holds it in common—I do not mean as to the larger amount which he would give, but as to the principle of it—with the great bulk of those who have ever attempted practical legislation on this subject. I may, perhaps, be permitted to read a few words in which this important question was discussed by the late Mr. Cobden; for it is a question of which I feel the importance as much as any hon. Member who sits on either side of the House. Does the present system of educational grants from the Privy Council involve the Government in any responsibility with regard to religious instruction? I grant that in one point it does, and that is with regard to denominational inspection. That inspection establishes a relation between the Government and the instruction given; but the point disappears with the abolition of denominational inspection. Now, what I wish to put before the House is—does this concession from the grants of the Privy Council to the managers of voluntary schools, who include in their system specific religious teaching, but who likewise give good secular instruction—subject as to its efficiency to the tests laid down by Parliament or the Government, and separated from the religious instruction—involve the State in the responsibility for anything beyond that secular instruction until the grants of the State reach a point higher than or as high as that at which secular instruction becomes alone capable of being provided? I contend that it does not—that it is a principle beyond all question that, with the sole exception of educational inspection, the aid given at this moment by the State to voluntary schools is aid given for the purpose of secular instruction, and not to strengthen or aid a particular form of religion. In making that statement I shall support myself by the authority to which I have just referred, which I think the House will admit to be a fair and high authority on the subject. Mr. Cobden, in meeting the objections which were taken almost 20 years ago, that it was not desirable that religious instruction in schools should be supplied out of the public funds, used these words—

> "When the Vote was first agreed to, in 1834, it was called school money; it was £10,000 or £20,000 to begin with. Afterwards it was changed to a Vote for education; but you did not vote the money for religious education. Could you vote any sum in this House, if it were asked, for religious instruction? No; it could not be done, and it could not be done for many years past, and never more shall we vote any money in this House as an endowment for religion; and, therefore, when you talk to me about voting for religious education, I say it is not an accurate description of what we vote it for."

Let us consider that we are going to part with the building grants; and my right hon. Friend also proposes to ask another concession from hon. Gentlemen opposite to which I ought to have referred before—in the surrender of what is termed the year of grace. It seems to the Government that nothing would warrant us in proposing such a provision, except the very special necessity incumbent at the moment on those voluntary schools and their promoters, that when a provision is made for their maintenance, they should no longer be placed in the position of having a right to make a demand on us that, for their sake, we should postpone that which we desire above all things to bring into early operation—namely, the activity of the provisions of this Bill, with respect to rate-schools, which are supplying the existing deficiency in education. That is our plan as it stands with respect to voluntary schools. Now, we were asked the other day by the noble Lord the Member for Huntingdonshire (Lord Robert Montagu), whether when any person made a contribution to voluntary schools he would be allowed to make that contribution a set-off against the school rate? We answered, as might have been expected, that we could make no such proposal. What we propose is that those who subscribe to voluntary schools out of their own private resources shall be liable equally with others to rates levied in support of the rate-schools. They may not like it; they most probably will not; but we cannot relieve them from the obligation. The rate-schools will be schools receiving from the Exchequer the same contribution as the voluntary schools; but while the promoters of the latter draw the residue of their necessary expenditure from their own pockets, the local Boards in charge of the rate-schools will draw for that residue on the public rates, and will take the money equally out of the pockets of the promoters of voluntary schools as out of those of the rest of the community. I think that fair, under the circumstances of the case; but, if it be charged with unfairness at all, I do not see by what mental process anyone can arrive at the conclusion that it is against the rate-schools and in favour of the voluntary. Now, as regards the existing denominational schools, it is a very grave and important question which we have to ask ourselves—whether we are frankly, ungrudgingly, willingly, and systematically to make use of that powerful agency for the purpose of good secular instruction, which is placed at our command in a great degree, if not exclusively, through the vigorous action of religious zeal and love? Let us not disguise from ourselves that this is a question of the greatest moment. The answer to it, I own, appears to me to be perfectly clear. That answer is, that nothing but folly could induce us to refuse to avail ourselves of an opportunity so valuable. If we do not avail ourselves of it, if we treat those voluntary schools as institutions either to be proscribed, or, at the best, only to be tolerated, limited, hemmed in, permitted to exist merely because they do exist—as things which it is not worth our while to recognize, or honour, or encourage, on what principle can we justify such a policy? On none that I know of; but that secular instruction becomes tainted by being brought into the neighbourhood of specific religious teaching. Under the provisions of the Bill the secular instruction given in the voluntary schools will be severely tested, and care will be taken that it shall be of as high a quality as that given in the rate-supported schools. It will be cheaper to the public, though it be dearer to the individual. On what principle, then, can we refuse to avail ourselves of the advantages which it is calculated to confer? No one will contend that the moral effect of secular instruction — a moral effect which I esteem very highly — no one will say that this moral effect can be damaged or deteriorated by the fact that in the same building, or as part of the same system, specific religious instruction is given. I may be very blind in the matter; but I have never been able to discover any reason for repudiating the aid which is offered to us by the voluntary zeal of the community, unless it be that the teaching of religion in the form accepted by the promoters of these schools, be it what it may, has an absolutely deleterious effect from the mere fact of its vicinity, upon the instruction which is given in reading, writing, and arithmetic, and that it is, therefore, desirable to rescue those useful branches of knowledge from the taint which they might receive from being taught within the same walls, and place them where they will no longer be subject to that atmospheric influence. These are the principal points on which the discussion has proceeded. I will now say a few words on the Bill as a whole. It is not necessary to refer to those Amendments which have been introduced into that part of it which is not connected with the religious difficulty. There are, no doubt, many of the clauses of the Bill on which a number of points will be raised for discussion, and there is one to which I will refer, because there are some persons who think it very closely connected with the mode of dealing with the religious difficulty. There are others who believe that a special provision for the representation of all classes and sections of opinion on the local Boards would have considerable effect in disarming jealousy, and would enable us to go more freely forward with this measure. I refer to the introduction of what is called "the minority vote" of the

Bill. I do not think it is necessary that the Government should absolutely pledge itself upon that subject at the present moment; but I will admit, in the most distinct manner, that, in our opinion, the objections which apply to the introduction of the minority vote into the Parliamentary system have no application whatever to the election of a local Board. Those who are opposed to the minority vote argue that it is not the business of Parliament simply to represent a majority of certain classes of individuals, but that it is their business to represent certain communities fixed by the Constitution—namely, the various constituencies. We think that, in those constituencies, the majority should be represented; but plainly, the business of a local Board will simply be to gather into itself all the elements of opinion and feeling in the community. You cannot say with respect to the local Board as you can say with respect to Parliament—that the difference of constituencies will secure variety at the Board; and, therefore, it is a perfectly open and fair question for consideration whether this plan might not be adopted for attaining that which is, undoubtedly, the object of the greater number—namely, to secure impartiality as far as possible in the action of the local Boards, and to attract to them the greatest possible amount of public confidence. My hon. Friend the Member for Birmingham (Mr. Dixon) made an appeal to the Government as a supporter, and certainly there has been no Administration in this country within my knowledge that has had greater reason to entertain a lively, cordial, and grateful sense of the efficient support which it has received from the party on its own side of the House than the Government that is now in power; but I am quite sure that my hon. Friend will, as a man of great candour, be the first to see that this is a question so national—national in so high a sense—that no Government would be justified in determining to exclude from its view the sentiments, the opinions, and, above all, the large-hearted toleration of those with whom it may not be ordinarily agreed in political opinion. But there is another consideration which is still more obvious. I am sure my hon. Friend does not conceal from himself the wide difference of opinion that exists on this side of the House, and in that portion of the House where he sits. I believe he supports the Amendment which has been submitted to the House by the hon. Member for Merthyr Tydvil; but, in so doing, if I understand his speech, he does not support it in the sense of the Mover; for he is ready to allow the religious element to enter into schools in a sense in which the hon. Member for Merthyr Tydvil finds it necessary to exclude it. And in adverting to the speech of my hon. Friend the Member for Merthyr Tydvil, I wish to say that, though I do not believe his opinion to be that of the people of England at large, yet I am quite satisfied that his Amendment is compatible with the most earnest and zealous respect for religion, and that it is that earnestness which has prompted him to the course he has pursued. In that quarter of the House where the Mover of the Amendment sits, we see many hon. Members who have supported this Amendment. The right hon. Gentleman who has last addressed the House, the hon. Member for Bradford (Mr. Miall), and the hon. Member for Stroud (Mr. Winterbotham), strongly supported it in its strictest sense. But other distinguished members of that party have recommended a different course. The hon. and learned Member for Oxford objects vehemently to the Amendment, which he rejects on the ground that it is both secular and sectarian; and, although the Motion of which my hon. and learned Friend gave Notice has not been submitted to the House, yet it represents an amount of feeling which is not inconsiderable, and which cannot be overlooked in gauging the state of opinion on this question. If, therefore, the Government have not found themselves able to come into exact conformity with the views of my hon. Friend—whose claims upon us I fully admit—or with those of my hon. Friend the Member for Merthyr Tydvil, or with those of my hon. and learned Friend the Member for Oxford, yet I trust they have some apology in the divisions which prevail among those whom it is their desire and their ambition generally to meet. Something may be said with regard to the character of the support that the plan of the Government has received, and I admit that that support is not unqualified. Their plan has received some valuable and very able support that may be called unqualified; but it has also received a great deal that is qualified, much that is positive, and more that is negative. If, however, this plan is not precisely agreeable to the views of all, or nearly all, the Members of this House, yet I am entitled to ask this question—"What other plan is there that is agreeable to the views of all, or nearly all, the Members of this House, or even of a large number,"—I will be bold enough to go further, and add, "or of a number nearly so large as those who are disposed to acquiesce in the plan of the Government?" This plan has, at least, been tested in free discussion by able men in all quarters of the House; and I am sure I run no risk of contradiction in saying that, while I admit the qualification with which it has been supported —nay, while I admit the energy and ability with which by certain Members it has been opposed and objected to—it is still the only plan which can be said to be in the field for acceptance or rejection by the House. If it had been possible for some keener wits or happier judgments than those of the Government to devise another scheme, I think that we should not have failed to become acquainted with the nature of that scheme, either during this discussion or at an earlier period. Then, if this is the only plan that can be said to be in the field, there arises this important question—"What are we to do with it?" It has been pressed upon us that great changes should be made in our plan, and we are not only willing but desirous that such changes should be introduced as may intend to finish and improve it; but as to the general outline or substance, I cannot think there is any large section of Gentlemen in this House who can believe that it will be advantageous for the interests of the country, or for the interests of this great question, that the Government should materially deviate from the proposal they have now made. It is very difficult for an Administration to determine what are the limits of its own liberty of revision in regard to a plan of its own; it is also difficult to determine at what period of time that liberty of revision should be exercised, and when it can be said to terminate. But it must be borne in mind that we claimed for ourselves the benefit of time with a view to better counsels, and that we have modified this Bill repeatedly and in no inconsiderable degree. No Government can perform its functions usefully to the House of Commons if, when it has a great measure in hand, it shows itself to be so devoid of purpose, so incapable of fixed conviction, that at every step of the Bill it is led to endeavour to impress upon it a new colour, and to invest it with a new shape; for the effect of such conduct is not by any means so much to favour the particular opinion to which the Government would ultimately lean as to destroy public confidence in the usefulness of the Administration, whose business it is to afford aid and, in some degree, guidance to the mind of Parliament. Such a loss of confidence involves loss of character, and it is upon the character of the Government that, happily, all its authority must be founded. I, therefore, hope that the House will not think it wonderful if I say that I am not able to join in the rigour with which the speech of my right hon. Friend the Vice President of the Council has been criticized, as being too decided in its tone; for I think we have passed the point at which we can introduce large changes. We have laboured hard and honestly, without any undue adhesion to our own propositions, but with a sincere desire to ascertain the condition of the country, its social wants, and its fixed convictions. That was the purpose for which we laboured in the original production of the Bill; we have held the same views in making the modifications that have subsequently been introduced, and I hope, from the state of opinion and feeling in the House, those labours have not been wholly unsuccessful. If that be so, there then arises this question—"What is our duty with regard to it in the state of business during the present Session?" Her Majesty's Government are of opinion that, with the single exception of those measures which relate to the maintenance of public order, and have in the immediateness of the demand that they make upon the Legislature and the Cabinet a preference above all others, there probably has never been a measure submitted to Parliament with regard to which the responsibility of unnecessary postponement would be greater, heavier, or more intolerable. We propose, therefore, to use every effort consistent with respect to the House and with the demands of absolutely necessary business to conduct this Bill through this House, and to send it to the other House at such a period as to give time for fairly and justly dealing with it in the hope of its becoming law in the present Session. In announcing these views of the Government I feel that I am not liable to the charge of contumaciously or ostentatiously opposing myself and my Colleagues to the judgment of the House or of any large number of hon. Members. We have been encouraged in our resolution to use every effort to pass this Bill by the manifestations of this debate. We have heard Gentlemen arguing manfully their objections to particular portions of the Bill, and yet expressing their paramount and overwhelming sense of the necessity of the measure, and it was impossible not to feel that it was our duty to meet those manifestations as far as we could. I believe the latent conviction of this House to be that the public advantages contemplated by the Bill, and likely to be attained by it, are such that they ought not to be foregone and sacrificed on account of a blemish here and there, or of something which may not really be a blemish, but which is conscientiously supposed to be such, and which may prevent its receiving the entire and undivided adhesion of every single mind. That, I believe, Sir, is the general conviction of the House. That is the view we take of our duty. I do not say that there may not be occasions when it may be justifiable for particular bodies or sections of the community to oppose themselves even to a measure of education. The hon. Member for Stroud referred last night to the opposition offered by the Nonconformists to the plan of Sir Robert Peel and Sir James Graham in 1843. No doubt it was that vigorous opposition, growing stronger from day to day, which deterred that Ministry from proceeding with the measure which they had much at heart. But what was the nature of that plan? It constituted schools over the whole country, and school Boards, on every one of which the Church was to be represented by a special trustee, who was to be not only a member but a minister of the Church. So distinct and emphatic was the recognition of the title on the part of the Church to have her special interests cared for that the Nonconformists were doubtless warranted in their then opposition. But there is no such reason now. May it not rather be said that the tables are turned? There is no special recognition of the Church in the present plan. If it be said that there is a recognition of the Church in the liberal terms we propose for the voluntary schools, such an assertion would only mean that the palm is given to those who win. What is the position of the Church with regard to voluntary schools? It is the same as that of the Nonconformists with respect to their own religious endowments and institutions—that is to say, like men and Christians in the exercise of their freedom they have given effect to their own convictions, and have achieved a position which they are entitled to assert and maintain. That is the position of the Nonconformists with regard to religion, and that, I fearlessly assert, is precisely the position of the Church with regard to education. It would be invidious, and less than just, to say that because the clergy of the Church of England have exhibited great activity in the cause of popular education, they shall be defrauded of the fruits of their activity, or that they shall be considered as receiving some special exceptional favour if we acknowledge what they have achieved and do not exclude them from the benefits which we offer to others. Let it be borne in mind that under our scheme there is no clergyman trustee to be placed upon the school Boards. Every member of every religious Communion will stand in fair and open competition with his fellow-citizens in regard to election. But one distinction which there will be in these schools, is a distinction, not in favour of the Church, but bearing rather upon her—I will not say with hardness, because I trust and believe it will not be so, but with something like an inequality. Something less than equality on this occasion she has been contented to accept; and I think it would be deplorable if opposition arising from any quarter, imitating the example set in former times, but without the justification and warrant which the circumstances and proposals of those times afforded, should have the effect of defeating a measure which, every man in this House acknowledges, contemplates objects of the highest public importance. With respect to the provisions of the Bill, every one admits that the main portion of them have been well and wisely devised to accomplish their great purpose; and, under these circumstances, it is our duty, with all the earnestness, and I may say, with all the solemnity, we can command, to commend this measure to the impartial judgment, the self-denying moderation, the favourable consideration, and final acceptance of the House.

Question put.

The House *divided*:—Ayes 421; Noes 60: Majority 361.

### NOES.

Adair, H. E.
Armitstead, G.
Beaumont, H. F.
Bentall, E. H.
Brogden, A.
Brown, A. H.
Campbell, H.
Candlish, J.
Cholmeley, Captain
Cowen, J.
Craufurd, E. H. J.
Dalglish, R.
Dalrymple, D.
Dixon, G.
Dillwyn, L. L.
Edwardes, hon. Col. W.
Ewing, H. E. C.
Fawcett, H.
Fitzmaurice, Lord E.
Fordyce, W. D.
Fothergill, R.
Gourley, E. T.
Hadfield, G.
Herbert, hon. A. E. W.
Hoare, Sir H. A.
Horsman, rt. hon. E.
Illingworth, A.
Johnston, A.
Lawrence, Sir J. C.
Lawson, Sir W.
Leatham, E. A.
Lewis, J. D.
Lush, Dr.
Lusk, A.
Miall, E.
Miller, J.
Milton, Viscount
Morgan, G. O.
Morrison, W.
Muntz, P. H.
Parry, L. Jones-
Philips, R. N.
Potter, E.
Price, W. E.
Richards, E. M.
Samuelson, H. B.
Sartoris, E. J.
Seymour, A.
Sheridan, H. B.
Smith, E.
Stuart, Colonel
Sykes, Colonel W. H.
Taylor, P. A.
Tollemache, hon. F. J.
Tomline, G.
Wedderburn, Sir D.
Whalley, G. H.
White, J.
Williams, W.
Winterbotham, H. S. P.

TELLERS.
Dilke, Sir C. W.
Richard, H.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

Committee report Progress; to sit again upon *Monday* next.

### COURT OF CHANCERY.—RESOLUTION.

MR. G. B. GREGORY said, he rose to call the attention of the House to the appellate jurisdiction in the Court of Chancery, and to move "That, in the opinion of this House, it is expedient that all appeals in that Court should be heard before three Judges." The hon. Member was proceeding to address the House—when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter
after Nine o'clock till
Monday next.

## HOUSE OF LORDS,

*Monday, 27th June,* 1870.

MINUTES.]—PUBLIC BILLS—*Committee*—Benefices Resignation * (119-161); Irish Land (122).
*Committee—Report*—Turnpike Trusts Arrangements * (132).
*Third Reading*—Sequestration (145), *debate adjourned;* Felony * (90), and *passed.*

### THE LATE EARL OF CLARENDON.

EARL GRANVILLE: My Lords, I rise for the purpose of asking the noble and learned Lord (Lord Westbury) to postpone the Motion which stands in his name. It would only be in accordance with my own wishes, and I am sure with the general feeling of your Lordships' House, if I move the adjournment of the debate on the Irish Land Bill—indeed, if I consulted my own feelings, I should take the course of moving the adjournment of all business this evening. Your Lordships are aware of the loss which the Sovereign, the people, and the family and friends of Lord Clarendon have this day sustained. My Lords, I had known him from a boy; he was one of my dearest and most intimate Friends; and I have had an opportunity in political life and as a political Colleague, of observing his singular ability, his great sagacity, his vast experience, the moderation of his views, and those brilliant conversational powers which were almost exclusively used for the purposes of conciliation, and which gave him such personal weight, not only with his own countrymen, but with all the Sovereigns of Europe with whom he came into contact, with their political Ministers, and with all the diplomatic representatives of the whole civilized world. I feel that your Lordships would gladly pay any mark of respect to the memory of one lost to us so recently. I believe there is no Member of this House who has so many warmly attached friends as Lord Clarendon had. I am quite sure he had no enemy here, and I believe there are very few of your Lordships who had not feelings almost of personal friendship towards him. It was decided on the occasion of the death of Lord Campbell that your Lordships should adjourn as an expression of regret at the loss of one who occupied so high and responsible a position; but in the case of other illustrious Members of the House it was thought undesirable that you should adjourn business, on account of the difficulty of creating a precedent, and of drawing a line where you should pay that great compliment and where you should not. If we are on any occasion to adjourn, I feel there could be no fitter occasion than on the death of the great man whom we have lost, dying under the weight of affairs, in the very act of trying to arrange a matter necessary with regard to civilization in Europe—but I also feel that he who, though he enjoyed life, socially and domestically, as much as anybody I ever knew, would postpone everything to Public Business and his duty to his country—would himself have preferred that we should not adopt an unusual course, whatever our feelings may be.

THE DUKE OF RICHMOND: My Lords, I cannot allow this opportunity to pass without expressing the very deep regret which, in common I am sure with your Lordships, I feel at the melancholy event which has deprived this country of one of the most esteemed Members of your Lordships' House. Lord Clarendon's connection with the diplomatic service and with the Foreign Office is too well known, too widely spread through the inhabited globe, to require from me any remarks. Though, on some occasions, I might not fully agree with the views which he held, I am convinced that on all occasions and at all times he was only actuated by the sincerest desire and wish to uphold and maintain the honour and credit of his country. How little could we imagine during last week, when we saw him occupying his accustomed seat and taking that part in public affairs which it was his habit on all occasions to do—how little could we have imagined that we should so soon have to lament his loss! Though politically opposed to Lord Clarendon, I have for many years enjoyed his personal friendship, and I can say in all sincerity that I sympathize most deeply with his Colleagues and his numerous friends at the irreparable loss which they have so lately sustained.

THE EARL OF DERBY: My Lords, as it was my fortune to precede Lord Clarendon in the Office which he held, and having been connected with him by ties both of personal regard and of family, I may be allowed to add my humble tribute to that which has been paid to his memory by the noble Earl opposite and by the noble Duke beside me. This is an occasion when the voice of political criticism is necessarily silent, and when no sentiment can be indulged, no language employed, except that of private sympathy and public respect. I am sure I am only giving utterance to feelings which are in the minds of all your Lordships when I say that in Lord Clarendon England has lost an experienced and sagacious statesman, and the Foreign Office a chief whose heart was in his work; and that society will long and deeply deplore the loss of one who, more than any man I have ever met, knew how to disarm criticism and to conciliate sympathy by the charm of his manner and the warmth of his heart. To the Members of this House—and not to us only, but I may venture to say to all the upper class of this country—Lord Clarendon set the example of a life of indefatigable industry in a career passed in the service of the State. He has died in harness. Never again shall we be privileged to listen to that conversation in which counsels of the maturest wisdom were conveyed in language at once so simple, so unaffected, and so full of point. But by his many friends, his memory will long be cherished; and even in these days of rapid change and restless moments England will not lightly forget a character so remarkable and a career so brilliant.

EARL COWLEY attempted to add his tribute to the memory of the deceased statesman; but after a vain attempt to utter more than a few words, he resumed his seat.

LORD WESTBURY expressed his willingness to postpone the Motion on the arrears of Business before the Judicial Committee of the Privy Council.

### SEQUESTRATION BILL—(Nos. 145.)

(*The Lord Bishop of Winchester.*)

THIRD READING.

Order of the Day for the Third Reading read.

*Moved,* "That the Bill be now read 3ª."—(*The Lord Bishop of Winchester.*)

Lord CAIRNS stated that he should not persist in his Amendment for the rejection of the measure, as the right rev. Prelate (the Bishop of Winchester) had met his greatest objection to it—the forfeiture of a benefice by decision of the Bishop, with an appeal to the Archbishop—by consenting that the inquiry by the Bishop should have a judicial character, and that there should be an appeal to the Judicial Committee of the Privy Council. Though still deeming the provisions of the Bill too harsh, he would not propose the rejection of a measure which their Lordships had received with so much favour.

The Archbishop of YORK said, he regretted the concession of his right rev. Brother—it seemed to him to alter the principle of the Bill. An inquiry by the Bishop with an appeal, passing over the Archbishop, to the Privy Council, would involve such an enormous expense that many right rev. Prelates would shrink from putting the measure in force.

Lord PORTMAN objected to the vesting of such authority in the Bishop, and to affording so mischievous a power to a spiteful creditor. He trusted that the Bill would be rejected in "another place."

Lord WESTBURY approved the provision enabling the Bishop to appropriate a larger portion of the revenue of a sequestrated living to the spiritual necessities of the parish; but objected to those clauses which deprived the creditors of their rights, and imposed on an embarrassed clergyman the stigma of passing through the Bankruptcy Court.

The Marquess of SALISBURY said, that while he admitted that the concession of the right rev. Prelate would materially injure the Bill, nevertheless he hoped the measure would be accepted as a decided step in advance, for it declared almost for the first time that the clergyman existed for the parish and not the parish for the clergyman, and made a breach in that freehold position which had been carried so far as to produce much harm. It would remove the scandal of a clergyman pledging the income of his benefice to his private creditors, which no naval or military officer or civil servant was allowed to do.

The Bishop of GLOUCESTER and BRISTOL said, that the members of the Episcopal Bench could particularize cases, were it not invidious to do so, in which very large funds were alienated from the parish. He could not concur in the *concordat* of his right rev. Brother and the noble and learned Lord, for it would not only entail great expense, but, by passing over the Archbishop, would reverse the present principle of ecclesiastical jurisdiction.

The Duke of SOMERSET believed the result of the Bill would be that clergymen who borrowed money would have to pay 8 or 10 per cent, instead of 4, the security of the revenue of their benefices being withdrawn.

Earl GRANVILLE suggested the adjournment of the debate, it having been the wish of both sides that no business giving rise to discussion should stand in the way of the Irish Land Bill.

Further Debate *adjourned* to *Monday* next.

### IRISH LAND BILL—(No. 122.)

(*The Earl Granville.*)

COMMITTEE.

House again in Committee (according to Order).

### Part I. Law of Compensation to Tenants.

Clauses 1 to 12—*Claim to Compensation.*

Clause 4 (Compensation in respect of improvements. Exception of certain improvements. Exception of certain tenancies).

Lord CAIRNS proposed the substitution of "his immediate" landlord for the term "the landlord," on the ground that compensation could not be justly claimed from the head landlord if the tenant occupied under a middleman.

Amendment *moved,* line 21, leave out ("the") and insert ("his immediate").—(*The Lord Cairns.*)

The Duke of ARGYLL thought that in the case of a middleman whose lease had expired the sub-tenant would, under the Amendment, have a difficulty in determining on whom to come for compensation. The Court would deal with the contingency cited by the noble and learned Lord according to the equities of the case.

LORD CAIRNS suggested that on the Report an Amendment might be made giving the head landlord a right to take the farm in order to recoup himself against the middleman.

VISCOUNT HALIFAX thought the difficulty would be met by providing that the compensation should be paid by the person entitled for the time being to receive the rents and take possession of the holding.

EARL GRANVILLE promised to consider the question before the Report was brought up.

Amendment (by Leave of the Committee) *withdrawn.*

THE MARQUESS OF CLANRICARDE moved an Amendment in the 1st sub-section, barring compensation

"In respect of any improvement made 20 years before the passing of this Act, except permanent buildings and reclamation of land"—

by omitting the words ("the passing of this Act,") and substituting ("the claim of such compensation shall have been made"). As the clause now stood, a tenant would be prohibited from claiming compensation in respect of certain improvements made only 20 years before the Act came into operation, and thus if he delayed his claim for the future he would be unable to obtain any compensation for improvements, which, when he at length made his claim, might have been in existence for 40, 50, and even 100 years. The object of the Amendment was to make the Act more uniform in its effect, by limiting the exception to improvements made 20 years before the tenant sent in his claim.

EARL GRANVILLE said, he had no objection to the Amendment.

Amendment made accordingly.

Another Amendment made, in line 29, by leaving out ("and reclamation of waste land").—(*The Marquess of Clanricarde.*)

THE EARL OF AIRLIE asked for an explanation of the sub-section barring compensation for

"An improvement prohibited in writing by the landlord as being and appearing to the Court to be calculated to diminish the value of the landlord's estate, and made within two years after or during the unexpired residue of a lease granted before the passing of the Act."

Amendment *moved,* line 30, leave out from first ("In") to ("the") in line 36, both inclusive, and insert the following paragraph:—

"The case of tenancies existing before the passing of this Act in respect of any improvement prohibited in writing by the landlord, and which shall appear to the Court to be calculated to diminish the general value of the landlord's estate, or in the case of a lease granted before the passing of this Act in respect of any such improvement made during the unexpired residue of the lease, or in the case of a tenancy commencing after the passing of this Act in respect of any such improvement made or begun within two years after."

LORD CHELMSFORD said, he could not understand how any improvement could diminish the value of an estate. The clause would really compel the landlord to pay for every improvement, although he had prohibited it.

EARL GRANVILLE reminded the noble and learned Lord that what would be an improvement to a small holding might be calculated to affect the value of the whole estate materially.

THE DUKE OF MARLBOROUGH desired an explanation of the two years limit.

THE EARL OF KIMBERLEY explained that after the two years the holding would come under another sub-section, which related to improvements made in contravention of a written contract.

LORD DUFFERIN said, the object of the Proviso was to meet cases where the landlord stood by passively while the improvement was being made by the tenant, and then stepped in and appropriated to himself the benefit of it.

THE LORD CHANCELLOR said, the clause would affect tenants from year to year, or under a lease. If tenants in the first-named class refused to contract not to make improvements objected to by the landlord, they could be removed; but those under a lease would be able to go on until the end of the lease, the landlord meanwhile placing in writing his prohibition of the improvements. In cases where tenants were removed under these circumstances, he could not think that the Court would give large compensation.

THE DUKE OF RICHMOND objected to some parts of the Amendment.

Amendment (by Leave of the Committee) *withdrawn.*

Lord CLONCURRY moved an Amendment, in line 8, after ("time,") to insert ("or in respect of any improvements made with moneys advanced by the Board of Works"). The necessity for this Amendment lay in the circumstance that in all cases of such advances the land had been the security for the money borrowed.

Earl GRANVILLE was at a loss to understand the object of the proposed Amendment. The improvements in question were landlords' improvements, and he did not see how in any event the tenant could claim compensation in respect of them. The words proposed were therefore wholly unnecessary.

The Earl of KIMBERLEY explained that the improvements adverted to in the Amendment were improvements which must be effected by the landlord, because under no Act was the tenant authorized to borrow money from the Board of Works, for the purpose of effecting improvements upon the land of his landlord. Under these circumstances, the Court would decline to award compensation to the tenants for such improvements. There would be not the slightest difficulty in ascertaining by whom such improvements had been made, because officers of the Board of Works were bound to enter the particulars of such transactions in their certificate, certifying to the completion of the works executed with the sums advanced.

Lord CAIRNS thought that the words would clear up any doubt that might exist as to the real meaning of the Bill upon this point. In many instances where the money had been borrowed by the landlord to make improvements, the interest had been met by a charge on the land, which was paid by the tenant from year to year. It was quite possible that, as the tenant would pay the annual charge upon the estate which was applied in payment of the principal and interest of the sums borrowed, a presumption might arise that he would be entitled to be compensated for the improvements, although they had, in fact, been made by the landlord. The Amendment was intended to prevent any error of that kind.

After a short conversation,

Earl GRANVILLE said, he would take the proposed Amendment into consideration.

Amendment (by Leave of the Committee) *withdrawn.*

Lord DUNSANY proposed, in subsection 3, to insert the words ("the life of the occupying tenant, or of"). The object of the Amendment was to make leases for such a life come among those the granting of which by the landlord relieved him of payment of compensation, except for permanent buildings, reclamation of land, and for tillages or manures, the benefit of which was unexhausted at the time of the tenant quitting his holding.

Amendment *moved,* line 18, after the words "for a term of" add ("the life of the occupying tenant, or of").—(*The Lord Dunsany.*)

Earl GRANVILLE said, that the leases for two lives, or 31 years, had been introduced in the Bill by the Government, and accepted by Dr. Ball, on the principle that two lives were equal to 31 years; but a lease for one life would be on the average much shorter.

Lord CAIRNS thought that leases for lives were not a sort of tenure that ought to be encouraged in future; but, as many such leases were now in existence, it might be well to introduce the words suggested, but to limit their application to all existing leases, and to a term of years in all future cases.

Lord ORANMORE and BROWNE said, it often occurred that a man preferred a lease for his own life to one for a term of years. This, perhaps, was owing to each person's belief that he himself was likely to live a long time.

Lord DUNSANY observed, that giving a tenant a lease for his own life was a good way of restraining him from committing waste.

Amendment (by Leave of the Committee) *withdrawn.*

The Duke of RICHMOND moved an Amendment, providing that tillages and manuring, in respect of which compensation is to be given, must have been effected within two years previous to the tenant quitting his holding.

Earl GRANVILLE thought it would not be well to insert such a limitation. The clause already provided that compensation should be given only when the benefit of such tillages and manuring was unexhausted.

Amendment (by Leave of the Committee) *withdrawn.*

[*Committee—Clause* 4.

Amendment *moved,* page 6, line 3, to omit the paragraph—

> "Any contract between a landlord and a tenant, whereby the tenant is prohibited from making such improvements as may be required for the suitable occupation of his holding and its cultivation in a due course of husbandry, shall be void both at law and in equity; but no improvement shall be deemed to be required for the suitable occupation of a tenant's holding, and its cultivation in a due course of husbandry, which appears to the Court to diminish the general value of the estate of the landlord."—(*The Earl of Leitrim.*)

THE LORD CHANCELLOR opposed the omission of the paragraph, which was necessary to the very principle of the Bill.

THE DUKE OF RICHMOND suggested that the words of the provision referring to cultivation in "a due course of husbandry" should be omitted, and that the provision should be confined to improvements suitable to the occupation of the holding. The words "cultivation in a due course of husbandry" might lead to the breaking up of grass lands.

EARL GREY thought the clause put too great a restraint on the freedom of contract. It prevented landlords and tenants from coming to agreement as to how the land should be cultivated.

THE EARL OF KIMBERLEY said, that the very purpose of the Bill was to protect small tenants who were not able to make contracts for themselves, and but for this provision in the clause those tenants might find themselves in the position of having agreements pressed on them prohibiting improvements that were essential to the cultivation of their holdings. The improvements contemplated by the clause were such as must not diminish the general value of the estate, but would be for its advantage; and he could not, therefore, see how the landlord would be in the least degree damnified by this provision.

THE EARL OF CLANCARTY said, he could not conceive anything more absurd than this Proviso about contracts. It clearly supposed that a tenant in Ireland was utterly unfit to hold land, by assuming that they could not understand the nature of the contracts they might enter into. He thought this was an insult to the tenantry of Ireland, and he hoped his noble Friend would press his Amendment to a Division if necessary.

THE DUKE OF RICHMOND said, he could not support the Amendment of his noble Friend on the Cross Benches, as it would be at variance with the principle of the Bill. But there was a point to which he wished to call attention—namely, that under the provisions, as it now stood, a tenant might cut down the timber upon the estate on the ground that the farm would be better without it, and the landlord, under the section as it stood, would not be able to prevent it.

THE EARL OF KIMBERLEY said, that could not be, because the timber added to the value of the landlord's estate.

THE DUKE OF RICHMOND said, that the holding was better without the timber as far as the tenant was concerned, but worse as regarded the landlord. If the noble Lord cut down every tree on his property he would undertake to get him a better rent for it.

After further discussion, Amendment (by Leave of the Committee) *withdrawn.*

Then paragraph amended by omitting "in due course of husbandry," and inserting "for the suitable occupation of his holding and its due cultivation."

Amendment *agreed to.*

LORD DUNSANY moved an Amendment at the end of paragraph to add—

> "Nor shall anything in this Act contained authorize or empower any tenant or occupier, without the previous consent in writing of the landlord, to break up or till any land or lands usually let, occupied, or used as grazing or grass lands, or let expressly as grazing or meadow land."

He thought it his duty to ask how such extraordinary words as those contained in the paragraph before the Committee could have found their way into the Bill. He felt no doubt that as the words stood they would transfer about £20,000,000 of property from the landlords to the tenants, and he would like to know who was responsible, whether through intention or through a blunder, for so extraordinary a piece of legislation. No one would doubt that husbandry meant tillage, and here was a Proviso which authorized a tenant to till old pasture lands, all covenants and conditions to the contrary notwithstanding. It was an unjustifiable transfer of property, and he would like to know who was responsible for it.

Amendment *agreed to:* Words *added.*

Words inserted, "or to cut timber without the consent of the landlord."

THE EARL OF LICHFIELD, who had given Notice of an Amendment that all agreements between the landlord and tenant relating to improvements should be registered in the Court, said, it was perfectly clear that all improvements that might be made after the passing of the Bill would be recorded. There would be no difficulty on the part either of landlord or tenant in proving them. But in the case of improvements made before the passing of the Bill very great difficulty might arise 20 or 30 years hence. Since, however, the noble Earl below him (Earl Granville) was willing to concede that the improvements for which a tenant would be entitled to claim should be effected not 20 years before the passing of the Act, but 20 years before the claim was made, he was inclined to withdraw his Amendment. He was perfectly willing that the point raised by the Amendment should be considered in connection with the Motion shortly to be brought forward by the noble Duke opposite (the Duke of Richmond), and therefore he would not propose his Amendment.

LORD DUNSANY moved an Amendment, at end of clause to add—

> "When the tenant of any holding claims compensation for improvements other than permanent buildings, it shall be a sufficient answer to such claims if the landlord shows that the tenant had at any time taken, or allowed to be taken, more than two corn crops in succession from the same land, or had on more than one occasion drawn off, or permitted others to draw off, from the holding for use elsewhere hay, straw, manure or root crops other than potato, or that he did not habitually keep live stock enough to manure one-sixth of the land in tillage annually, or supply the place of farmyard manure by other manure equally beneficial to the soil, or fallow the land every alternate year.
>
> "No tenant not being resident upon the holding in respect of which he claims compensation either for disturbance or improvement, and having another holding under a different landlord, shall be entitled to any compensation if he has, after the passing of this Act, drawn off the hay, straw, manure, or roots (other than potato) to the holding last mentioned, or has permitted others to draw off such produce."

The noble Lord said his Amendment was in the interest of good farming, and, therefore, of the public. He wished simply to provide that no man should be rewarded in Ireland for ruining his farm — a mode of proceeding which would in England procure him punishment. It might be said that the state of civilization, and, therefore, of farming, was much lower in Ireland than in England; but his Amendment was framed not in favour of high farming, but against barbarous farming—against claims for compensation compounded partly of joke and partly of injustice. It was too bad that a farmer, after taking three white crops off the land, should come and ask for compensation for improvements. His Amendment did not go the length of prohibiting or punishing barbarous farming, but simply of declaring that it should not be rewarded.

EARL GRANVILLE said, he could not accept the Amendment, for the reasons that in some respects it would work injustice to the tenants, and that it was unnecessary for the protection of the landlords, who would have power and opportunity under Clause 15 to plead any such damage as was mentioned in the noble Lord's Amendment as set-off against the tenant's claim for compensation.

THE EARL OF LEITRIM supported the Amendment, remarking that the noble Earl (Earl Granville) seemed generally ready to support any proposal that was against the landlord and in favour of the tenant. While Government was squabbling as to small points and acting generally in a see-saw manner, men's minds in Ireland were disturbed and the cultivation of the land was brought almost to a standstill. The use of manures was becoming less and less.

LORD ORANMORE AND BROWNE said, the reason why so much land in the West of Ireland was under grass was found in the fact that the farmers took from it a potato crop and two or three white crops, and then allowed it to lie fallow until nature had brought it round and rendered it fit and ready for the growth of similar crops. Irish landlords had no objection to good tillage, but they could not get it, because they had no power to enforce covenants with their tenants; and therefore they asked for such protection as was enjoyed by landlords in England.

THE LORD CHANCELLOR thought that under Clause 15 substantial justice would be done to landlords and tenants alike; because it was expressly provided that if the tenant deteriorated the land, the landlord could plead it before the Court; while, if the Amendment were passed, it would have the effect of depriving a tenant of his right to compensation, though he did no more than remove a single cartload of manure from his holding.

THE DUKE OF RICHMOND was understood to agree with the Lord Chancellor as to the injustice that tenants might suffer under the operation of the Amendment before the Committee.

LORD DUNSANY said, he would withdraw his Amendment; but asked if the Government would not accept the second paragraph, which had been framed to meet extreme cases.

EARL GRANVILLE said, he could not assent to this proposition, as the ground of the whole Amendment would be amply covered by the operation of Clause 15.

Amendment (by Leave of the Committee) *withdrawn.*

THE DUKE OF RICHMOND moved the Amendment of which he had given Notice, the object of which was to define the number of years' enjoyment which should satisfy and extinguish a tenant's claim to compensation. His conviction was that in case of improvements other than permanent buildings and reclamation of waste land, 20 years' enjoyment ought to extinguish the claim. Mr. Thompson, formerly President of the Royal Agricultural Society of England, in his clever book upon this subject, quoted the opinions of various witnesses examined before the Devon Commission; those, for instance, of Mr. Balfe, farmer, of the county Meath, who said that 21 years would be sufficient to compensate a tenant for any improvement on land, provided it was of a medium quality; of Mr. Johnston, landed proprietor of the county Donegal, that seven years would repay a man for the operations of trenching and thorough draining; and of Mr. Joseph Lambert, farmer, county Mayo, who said that a 14 years' tenure would operate as a sufficient encouragement to a tenant to improve, and that a man having that term unexpired should not have any claim to compensation.

"In Scotland," as Mr. Thompson observed, "where agriculture is conducted in a more strictly commercial spirit than probably in any other part of the world, and where the profit and loss of each operation are carefully calculated, 19 years' leases are exceedingly common. . . . . If a strictly agricultural improvement would not reimburse the tenant with a handsome profit in 21 years, it ought not to be undertaken."

The Lord Privy Seal also would not fail to recollect the evidence given before the Select Committee presided over by the noble Marquess opposite (the Marquess of Clanricarde), in 1867, in which an opinion very strongly to the same effect as that which he had just quoted was given by Mr. Trench—and his noble Friend (Viscount Monck) had quoted him as a great authority on this question. Other gentlemen of authority and experience gave evidence to the same effect. Twenty-one years, therefore, seemed to him quite sufficient in the case of all ordinary improvements. For the reclamation of waste lands he was willing to allow 31 years, and in the case of permanent buildings 41 years' improvement. He certainly thought it very desirable that some time should be fixed in order to give the Court materials on which to forms its judgment. By agreeing to the periods named in this Amendment a sort of datum line would be laid down, by which the Court would be guided.

Amendment *moved*, at end of Clause, insert—

"The following periods of enjoyment by the tenant or his predecessors in title shall be deemed to satisfy and extinguish his claim under this section; that is to say,

"In the case of all improvements other than permanent buildings and reclamation of waste land twenty years enjoyment:

"In the case of permanent buildings forty-one years enjoyment:

"In the case of reclamation of waste land thirty-one years enjoyment."—(*The Duke of Richmond.*)

THE EARL OF STRADBROKE said, that it was once his lot to have property in Tipperary, which had been let upon 60 years' leases, and nothing could possibly be in a worse state. In the county of Waterford he had attempted, with some success, to bring into reclamation what were called waste lands, and found that a period of 20 years was quite enough to remunerate the tenant for his outlay.

THE EARL OF KIMBERLEY said, he did not know any question connected with the subject of improvements more difficult than that of the time which should be allowed. The evidence before the Committee of that House, of which he was a Member, was perplexing on this question, for there was much disagreement in the opinions and experiences of the witnesses as to the length of the lease. One witness contended that a 99 years' lease was required to fully compensate a tenant if he had built a house on the land, while other gentlemen thought 21 years sufficient. All this showed how one case must differ from another. Noble Lords who served upon the Committee would recollect the discussions which had been held, and the difficulty which was felt in coming to a satisfactory conclusion. The conclusion at which he had arrived was, that it was better not to fix any term; but that the tenant who made the improvement should have not the former value of the land or the house built upon it—not what the tenant had expended—but the value of it as it stood—for amongst other things, the tenant might have expended money injudiciously, and for that he ought not to have compensation. If the tenant had not made the improvement, the landlord would never have possessed it; and if the improvement was calculated upon the increased value which it added to the estate the landlord could not suffer. In spite of the authorities which the noble Duke had quoted, widely different opinions were held by persons very competent to judge. If, therefore, the House went into the question of the term which should be allowed, it would involve itself in endless difficulties.

EARL GREY said, that if the principle laid down by the noble Earl who had last spoken were adopted it would put a stop to all those permanent improvements which were executed on the full understanding that, at the expiration of the term granted, they were to become the property of the landlord. The tenant should have a sufficient inducement to improve the land, while the owner should, after leaving the tenant in undisturbed possession for a proper number of years, be enabled to resume possession of his property. He thought the number of years which the noble Duke had suggested was fair to both parties, and he hoped the Amendment would be carried.

EARL DE GREY AND RIPON pointed out that by one of the sub-sections to Clause 4 it was provided that a tenant should not be entitled to any compensation—

> "In respect of any improvement made either before or after the passing of this Act in pursuance of a contract entered into for valuable consideration."

THE DUKE OF ARGYLL said, there was nothing in the clause to prevent landlords and tenants from making, in the future, arrangements similar to what they did at present. In Scotland landlords always made written contracts with their tenants in such cases; and in Ireland, by doing the same, they would prevent any evil consequences.

LORD CAIRNS asked the noble Earl opposite (Earl De Grey and Ripon) how he reconciled the sub-section which he had read with the section of this clause, which said that—

> "Any contract made by a tenant, by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section, shall, so far as relates to such claim, be void."

What was there to prevent a tenant at the end of his period of enjoyment turning round upon his landlord, saying that the contract into which they had entered was void, and making a claim for compensation?

THE LORD CHANCELLOR said, the section provided for cases in which the tenant would not be entitled to compensation. A tenant might be at liberty to make a second contract, which would not be at variance with the Act.

THE EARL OF KIMBERLEY said, that in the future landlords might make contracts, but the past was beyond their control.

LORD ORANMORE AND BROWNE observed, that if noble and learned Lords on either side of the House were not agreed as to the meaning of the clauses in the Bill, what could be expected except that the measure, when attempted to be carried into operation in Ireland, would produce a plentiful crop of litigation?

THE DUKE OF RICHMOND said, he would be willing to withdraw the Amendments that stood upon the Paper in his name with reference to this clause, on the understanding that the Government would be willing to reconsider the whole of the clause.

EARL GRANVILLE said, he had thought that the words of the clause accurately represented the meaning which the Government intended to convey; but after the observations of the noble and learned Lord opposite he thought it would only be right that any doubt that might have arisen with respect to it should be cleared up. The clause would, therefore, be further considered.

Amendment (by Leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 5 (Presumption in respect of improvements).

LORD DUNSANY moved an Amendment, line 33, after ("passing of this Act") to insert—

("Where the maps known as the Ordnance Survey of Ireland show that the improvements existed at the time of making that survey").

It would be most advantageous to have some kind of landmark, such as these maps would afford, to throw light upon the condition of lands at a certain definite period. It had been expressly enacted that these maps should not be deemed legal evidence; but he thought that that limitation to their usefulness ought to be removed, and that they should be declared to be evidence.

LORD O'HAGAN remarked that the maps to which the noble Lord referred were already allowed to be produced in Courts of Justice, where they were received in conjunction with parol evidence, and they were then of great value; but it would be unjust to make them conclusive evidence.

EARL GRANVILLE, on the part of the Government, objected to the Amendment.

Amendment (by Leave of the Committee) *withdrawn.*

Amendments made.

THE MARQUESS OF CLANRICARDE rose to move an Amendment the object of which was to alter the whole scope of the clause. The clause, as it stood, was not only objectionable, but entirely repugnant to the sense of justice, and to every principle of law adopted in this and every other civilized country. What the clause would establish was not Socialism or Communism, but confiscation; for to transfer to one man the property of another, without compensation, was confiscation. It was said that nothing more would be done by this clause than had been done by the various Railway Acts. The two cases were entirely different. Where a man's property was taken for the purposes of a railway he received compensation; moreover, in the case of railways, the property was taken for the benefit of the community—for the good of the public. There was no such excuse here. The property which the clause would deal with was the undoubted right of the landlord, and was known to be so by the tenants. This provision was founded on an assumption contrary to the facts; for to assert that all agricultural improvements were made by the tenants, was to state what was not the fact. One might travel through whole districts of Ireland and find that by far the greater part of the improvements—he did not mean in measurement, but in value—had been made not by the tenant, but by the landlords. As a rule, the landlords either built the farm-houses from the foundation, or contributed materials to build them: the landlords in some parts of the country had made miles of boundary fences and of drains by means of their own immediate resources, or with the money which was lent to them, through the Board of Works, immediately after the famine of 1846. The farmers knew that; and if they saw the Parliament of England taking the property of the landlords in these works and handing it over to the tenants, would they not begin to think that before long the *corpus* of the land would be transferred in the same manner? It was impossible in many cases for the landlord to show all the assistance which he had given the tenant; and it would be infinitely easier for the small tenant to prove his improvements than for the landlord to prove his. The tenant could bring the evidence of his family, his friends, or his labourers, to show that he had put up such a fence or such a gate, or made such an addition to his house; whereas the landlord would have no such advantage. His Amendment, therefore, sought to give fair play between man and man. As the law at present stood, it worked injustice by presuming that all improvements were made by the landlord, when many of them had, in fact, been made by the tenant; but this Bill proposed to work equal injustice in the opposite direction, by declaring that all improvements were *primâ facie* made by the tenants. But he thought there ought to be no presumption one way or the other; the matter should be entirely one of evidence. Whoever made the claim to an improvement, be it the landlord or be it the tenant, let him sustain his claim by evidence before the Court. That was the principle of his Amendment, which did not injuriously affect any of the main and good objects of the Bill, while it avoided that confiscation which was wholly unnecessary as well as unjust.

Amendment *moved,* at page 6, line 29, to leave out all the words after "usage," and insert—

> "All claims for improvements under this Act put forward either by the landlord or by the tenant shall be proved by evidence, and such evidence shall be subject to appeal as hereinafter provided."—(*The Marquess of Clanricarde.*)

Lord O'HAGAN said, the matter was not quite so simple as the noble Marquess seemed to imagine, and he hoped to show that the weight of facts, authority, and argument was against the view put forward by him in moving the Amendment. In approaching this question these two principles might fairly be taken into consideration—first, that a presumption, to be reasonable and just, must be founded on probability; that that probability itself must be founded on fact; and that the presumption, therefore, to be reasonable and just, must be founded on a continuity of facts. The second principle was that in discussing a question of evidence the onus of proof was properly allowed to fall on those who had the better knowledge of the matter and the better opportunity of giving evidence upon it. He thought those principles must commend themselves to their Lordships. Let them look at the facts of this question in the light of those principles. They could not do without a presumption in that case; they must have it either one way or the other. The old common law presumption, no doubt, was in favour of the landlord, and was to this effect — that whatever was on the land belonged to the land. But that old maxim had been departed from to a very large extent owing to the necessities of society and the progress of civilization. It had been departed from in respect to fixtures on the soil and agricultural buildings. Therefore, the old principle could not be held now to be as intact as in former times. If, then, it should appear on the evidence that those improvements in Ireland were generally made by the tenantry, that general fact sustained the probability on which the presumption contained in the clause was based, and the clause, therefore, became impregnable. Now, what was the evidence on the subject? The Commission of 1845, presided over by a distinguished Member of their Lordships' House, the late Earl of Devon, investigated the condition of Ireland, and in their Report gave an accurate description of it. The result of their inquiries, as far as this matter was concerned, was to this effect —that, while generally in England and Scotland before a landlord offered a farm to let he found it necessary to provide a suitable farm-house, with the requisite farm buildings for its proper management, to put the gates and fences in good order, and also to take on himself a great part of the burden of keeping the buildings in repair during the term, the rent being fixed with reference to that state of things. In Ireland, on the other hand, the case was wholly different. There the smallness of the farms, as they were usually let, together with other circumstances, rendered the English system very difficult, if not impracticable. It was admitted that the cases in which the landlord did those things were the exception; in most cases, whatever was done in the way of building, fences, or reclamation of land was done by the tenant. It was impossible to conceive evidence more persuasive or conclusive, as far as it went, than that taken by the Commissioners in 1845. No doubt, that was a long time ago; and it was a great misfortune that it was so, because if action had been taken on the recommendation of the Commission of 1845 such a Bill as the present would not now be before their Lordships. What the Devon Commission recommended was very much less in stringency than the present measure. A quarter of a century had since elapsed, Bill after Bill had been introduced by successive Governments, all failing, and all producing a greater stringency of the landlord interest, and a greater expansion of the tenant interest. It was a misfortune that a quarter of a century should have been allowed to elapse without adequate legislation. But had there in that period been any great change in the condition of Ireland? Fortunately they had evidence of a recent kind given by persons of the greatest intelligence in connection with the Government of the country, several of whom he could say from his own knowledge were men of the highest integrity. He was now asking their Lordships whether there was such a difference between the state of things in 1845 and in 1870 that the evidence of the Commission of 1845 should be disregarded as irrelevant? One of the gentlemen to whom he had just referred—a man probably pre-eminent among them in character and intelligence, Mr. Burke, speaking upon the general subject of land improvements, said that it remained in much the same position as in 1845, when the Report of Lord Devon's Commission was issued; that though some advance had been made in cultivation, yet not much capital had been expended either by the landlord or tenant, and that the chief part of what had been done had been done by the tenant. It was only fair, for one arguing as he (Lord O'Hagan) was, to say that there had been some progress on the part of the landlords, and that the normal state of things in the old times, when the tenants were left utterly unassisted, had, during the last quarter of a century, been to a considerable extent altered. The landlords now often gave assistance in building cottages — they gave slates and timber, but the tenants did the rest of the work. By large drainage operations on large estates the landlords had made great improvements; but the drainage so effected had, at all events, been done by the assistance of the tenants, who paid the interest on the money expended. If their Lordships examined the evidence of the Poor Law Inspectors, they would find that these three things exhausted all the improvements made by the landlords, all the rest, such as fences, reclamation of land, and making of roads, being the work of the tenants. Dr. Roughan and other witnesses corroborated this statement; and Mr. Campbell, whose authority had been often quoted in this debate and never denied, stated that in the great majority of cases the buildings, &c., called improvements, were really put up by the tenant or others from whom he derived, and that when the landlord contributed it had always been in money which his accounts would show, whereas no such proof could be given by the tenant. There was one other distinguished authority to whom he would refer—a noble Lord a Member of that House, whose name was held in the highest respect in Ireland, and whose intelligence and independent judgment he (Lord O'Hagan) admitted, though he differed from him in many points—he meant Lord Lifford. That noble Lord said—

> "The difficulty of distinguishing between landlord and tenant improvements should be got over by presuming that all improvements have been made by the tenant."

Passing on to the second part of the speech of the noble Marquess (the Marquess of Clanricarde) he came to the question, to which his noble Friend had addressed himself with much force, whether, having regard to the circumstances of Ireland, the burden of proof in reference to the making of improvements ought to be borne by the landlords or the tenants. The ordinary principle was that he who had the greatest facilities for obtaining evidence might fairly have the burden placed upon him. Now, what was the relative position of landlord and tenant? The landlords had, in the first place, organized machinery by means of which they were enabled to keep a record of their expenditure. It might be said that the landlord could not, without hardship, be required to furnish accounts with reference to a presumption that had not hitherto existed; but surely he was obliged to keep such a record for the behoof of his family affairs without reference to any such presumption. In the next place, they had agents and workmen who were actually engaged in the labour of making the improvements, and could give evidence in regard to them. If it were thought necessary to extend the rules of evidence, and so giving facilities for proof, he (Lord O'Hagan) would be prepared to agree to such an arrangement, or to one which would render available in the Land Court of Ireland all such evidence as was now accepted in Courts of Law or Equity. In this way provisions might be introduced which would remove the anxiety and apprehension which evidently prevailed in the minds of many noble Lords. Within the last seven years the Lord Chancellor had been empowered to admit as evidence books of accounts kept in the ordinary way, although there was nobody to verify them, and he was sure Her

Majesty's Government would have little difficulty in agreeing to the admission of evidence of the kind, where it was necessary, in cases arising under this Bill. If the clause passed as it was presented to the House, a provision of a similar kind should be made, and then he thought neither landlord nor tenant need fear injustice under its operation. With regard to the tenant, he kept no accounts; and if, when the work which he had undertaken was done, he was asked how many shillings and pounds he had expended on the improvements, an impossible burden would be put upon him. In framing this clause every possible care had been taken to guard against any evil which it was possible to avoid in the establishment of this presumption.

THE DUKE OF RICHMOND said, he would endeavour to show, from conclusive evidence, that the presumption did not take the form described by the noble and learned Lord. The noble and learned Lord had quoted from and relied upon the Reports of the Commission which visited Ireland some years ago; but those who were acquainted with the state of Ireland at that time were well aware that the Report was not at all conclusive or satisfactory, as the evidence was not taken upon oath, and some of it which was clearly contrary to fact was included in the body of the Report, while the lucid and satisfactory contradiction was only found in the Appendix. He had been astonished to hear his noble and learned Friend address their Lordships in so strong a manner in favour of a decided invasion of the legal principle that a man bringing forward a claim should be compelled to prove his case by evidence; and he should regret the departure from the principle by this Bill. The noble and learned Lord said that the probability was in favour of the tenants having made the improvements, and therefore that they should belong to them; but this was a question not of presumption but of fact. The land belonged to the landlord, and when the tenant quitted his holding he was bound to give it up to the landlord; all that was on the land was a part of the land, and therefore the property of the landlord. The noble and learned Lord said, however, that the presumption was in favour of the improvements having been made by the tenant. Evidence given before the Committee of which the noble Lord opposite had been a member was to the opposite effect. Mr. Trench, a gentleman of large experience, and who had peculiar facilities for procuring information on the subject, said—

> "There is no more frequent assertion made than that the landlords of Ireland do nothing and that the tenants do all—till, drain, and make every improvement that is made upon the soil of Ireland. It is impossible to conceive a more utterly false assertion."

THE DUKE OF ARGYLL: That only shows it to be "utterly false" to say that the landlords do nothing.

THE DUKE OF RICHMOND? If that were so, why were they to assume that the tenant did everything? Yet the House was asked to presume that the tenants made absolutely all the improvements, and the passage he had quoted was intended to show the fallacy of such a supposition. He would quote the testimony of another gentleman well qualified to speak on this subject. Mr. Hamilton, who had the management of 56,000 acres of land, stated that it was the greatest calumny possible upon the landlords to say that all the improvements were made by the tenants. In another part of his evidence the same gentleman stated that in nine cases out of ten the tendency on the part of the tenant was to deterioration rather than to improvement. According to the old legal principle, what was done upon the land belonged to the land and hence to the landlord; but now this principle was to be reversed in favour of the tenant. The noble and learned Lord opposite (Lord O'Hagan) said, indeed, that in England and in Scotland the improvements were always made by the landlords—in which assertion he was mistaken; and he also said that the old presumption of law had been somewhat departed from in the Courts recently in the cases of agricultural buildings. But it would be found that agricultural buildings were never presumed to be the property of the tenant unless he could show that he made them. But unless the noble and learned Lord could say that the presumption formerly existing had been absolutely reversed in favour of the tenant, he had made out no case in support of the proposal in the Bill. Again, it was said by the noble and learned Lord that within the last seven years the Court of Chancery had obtained the power of allowing account-books to be received in evidence. But this could not affect the case at all. How was it possible from accounts, however well kept, to identify the sums which had been expended on particular improvements? The accounts might be faultless, and yet, unless the agent were there to explain them, the Court would be unable to extract from them information really of value. It would puzzle a man even of the ability and acquirements of his noble and learned Friend to come to decide from a simple reference to the accounts what money had been expended by the landlord, and what had been expended by the tenant. Moreover, up to the present time, accounts had been kept by the landlords upon the presumption that all improvements would ultimately be their own, and hence they had not detailed, with that minuteness which would in future be necessary, the sums expended on each particular field. To declare, therefore, as proposed by this clause, that all improvements should be presumed to have been made by the tenant, unless the contrary were proved by the landlord, was to do a gross injustice to every holder of a landed estate in Ireland. He could quite understand the Government saying that, having discarded all accepted principles in carrying out this Bill, they intend to go to the fullest extent, and to enact that improvements made after a certain date after the passing of this Bill should be presumed to be made by the tenant. To such a proposal, although he regarded it as unsound in principle, he should not, perhaps, offer any very great objection. But this was an entirely different matter. A violent inroad was here made upon the rights and property of the landlord, and an injustice would be done him, which in the great majority of instances he would have no means whatever of resisting. He should be quite content if the Government would consent to confine the operation of the clause under discussion to some future period after the passing of the Act; but unless that were done he should feel constrained to vote for the Amendment of the noble Marquess.

VISCOUNT LIFFORD said, he had always been anxious to secure the tenants in their outlays, and it was quite true that he had declared his opinion that the only way out of the difficulty was to make the presumption in favour of the tenant; but at the time he did so he had no expectation that his words would be brought before the House. When he gave the evidence which the noble and learned Lord had quoted, he believed what he stated; but since that time he had received such a mass of evidence on the other side of the question that he had altered his opinion, and he now thought it would be unjust to do so.

EARL GRANVILLE said, the noble Duke (the Duke of Richmond) had attempted to answer the speech of the Lord Chancellor of Ireland. Now, one point which the latter had much insisted upon was that, up to the time of the Devon Commission, it was the general practice in Ireland for improvements to be made by the tenants; and he proceeded to show by evidence—including that of the noble Lord who had just spoken, Viscount Lifford—that that practice, as a whole, had continued to the present day. What his noble and learned Friend had stated in favour of that presumption, the noble Duke had attempted to meet by referring to the law and custom of England, which was in favour of the landlord; but he forgot that the practice in England and in Ireland was so entirely different, that what was law and justice in one country would be injustice in the other. The noble Duke then proceeded to criticize the Report of the Devon Commission. Now, he submitted that it was too late for the noble Duke to throw any doubt on the Report of the Devon Commission as being too much in favour of the tenants, for *à priori* the presumption was the other way, because there was no representative of the tenant class on that Commission, nor anyone on behalf of the general body of taxpayers, the landlords being exclusively concerned. And what was the opinion of persons on whom the noble Duke relied. The late Lord Derby, in his speech upon the Compensation to Tenants (Ireland) Bill, said of that Report that—

> "If it did not contain anything of striking novelty it has, at all events, the merit of bringing together a large mass of unsuspected testimony from all parts of the country."

That noble Earl had devoted great attention to the subject, and had then recently compared the circumstances of England and Ireland, which were so different, and he said—

> "Every tenant-farmer on taking a farm in England, and I believe in Scotland, looks as a

> matter of course—not founded upon any law, certainly, but upon a custom which is rarely departed from—to the landlord to place the farm before he enters upon it in tenantable repair—that is, in regard to the fences, the drains, the dwelling-house and buildings, and, in short, in regard to all those things which in England are considered as the necessary accompaniments to a farm. But in Ireland the case in reference to all the various matters is not only dissimilar, but exactly the reverse."

Beyond that, he thought he need not trouble their Lordships about the Report of the Devon Commission or the opinions of those who at the time were best able to judge of it. The noble Duke proceeded to question the evidence brought forward by the Lord Chancellor of Ireland, and read the testimony of three or four agents who superintended some of the largest and best managed estates in Ireland. But there was not any noble Lord who had the slightest doubt that there were good landlords in Ireland, and that those who owned the richest and largest estates were those who laid out most money towards improvements and directed how they should be carried out. Was that, however, any answer to the speech of the noble and learned Lord, who read passages from the Reports of the Poor Law Inspectors, in whose credibility every one believed, and whose Reports covered the whole area of those portions of Ireland to which they related? Now, these Inspectors reported unanimously that the great bulk of the landlords in Ireland did not act in that way. Reference had been made to the evidence of Lord Lifford, and he was satisfied with the complete explanation which that noble Lord had given. The noble Duke then went on to show that the landlords' books would be useless to show what improvements they had effected—which sounded very singular after his speech on the second reading of the Bill, in which he said that the tenants would have no difficulty in proving their claim from their books and papers. The noble Duke appeared to forget that an educated person with servants and books—and if he had kept no books he ought to have done so—could prove what he had expended far easier than the ignorant man without any of these assistants. It struck him (Earl Granville) as extraordinary that tenants of 5, 10, or 20 acres of land in Ireland should come with ledgers and day-books and written documents to prove any matter relating to their farms, and he was not prepared for the noble Duke turning so completely round on that point. He thought the noble Duke was pleading for the strong against the weak. The noble Duke then quoted Mr. Trench, whose son had been asked by the Marquess of Lansdowne whether he could produce the books to show what improvements he had effected, and Mr. Trench's reply showed that he could give the information, but doubted whether the books would be received as evidence. The great principle maintained by the noble Duke was that you may not take the property of one man and give it to another; but, after the universal support which noble Lords on the opposite Benches had given to the proposition that it was necessary to take the presumption as to improvements from the landlords and transfer it to the tenants, it was too late to introduce the principle which the noble Duke sought to establish. As to the arrangement which the noble Duke had suggested, nothing was offered, but the noble Duke wanted everything given to him. Under these circumstances, he trusted that their Lordships would not agree to the Amendment.

Lord DE ROS said, it had always been the practice in Ireland for the landlords to pay for a share of the improvements in order to stimulate the industry of the tenants; and in Ulster every improvement was effected by the landlord and tenant jointly. He denied that any weight of authority should be given to Lord Devon's Commission. That Commission was only issued for the collection of grievances, and its Report was based upon principles that nothing could justify. In his opinion the tenant-right of Ulster had not occasioned the prosperity of the North of Ireland, but was the result of that prosperity. As far as he could observe, the prosperity of Ulster had arisen from the enormous expansion of the banking principle in that part of the country. In the North of Ireland large banks had been established in every town, and the fact that the farmers could deposit small sums there with security and profit, had done more to develop the industry of the people than anything else.

The Earl of BESSBOROUGH said, that a presumption must exist that the improvements were either the property of the landlords or of the tenants; and, from his knowledge of Ireland, and as an Irish landlord, he had no hesitation in saying that the presumption ought to be in the favour of the tenant. The landlords would not, in most cases, have any difficulty in proving that they had paid for the improvements they had executed. If the clause were to be altered in the way proposed by the noble Marquess, the greatest injustice would be done to the Irish tenant. Having made considerable personal inquiries into the subject, in anticipation of this Bill coming before the House during the present Session, he had found, to his great surprise, that the great mass of improvements, especially on small estates, were made solely and entirely by tenants. In the larger estates the tenants were assisted by the landlords in making the improvements; but upon the smaller class of estates, the improvements were almost always made by the tenants themselves.

Lord CHELMSFORD said, he supported the principle of the Amendment, which, however, would require some alteration in the wording in order to carry out his noble Friend's intention. He had observed that, whenever an objection was taken to any clause of this Bill, they were told that Ireland furnished an exceptional case; that, therefore, the relation of landlord and tenant must be entirely changed; the tenants of Ireland were to be treated as minors who were incapable of contracting. The provisions of the Bill were adapted to this peculiar state of circumstances, and all the principles of law were to be violated, and the presumptions of law reversed. His noble and learned Friend (the Lord Chancellor of Ireland) stated, in opposition to the Amendment, that originally the presumption of law was in favour of the landlord—*ejus usque ad cœlum*—but that this principle had been reversed in favour of the tenant in the case of agricultural buildings. With great respect to his noble and learned Friend, he was entirely mistaken, or he (Lord Chelmsford) had misapprehended his meaning. The law at present was that whatever was fixed to the soil belonged to the landlord; but if a tenant put up anything on the soil for the purpose of carrying on his business which could be removed without injury to the land, that remained the property of the tenant. Questions of property had arisen between the tenant for life and the remainderman, and between the heir and the executor, whether certain fixtures on the soil were, in fact, part of it and removable or not; and there had always been a distinction made between landlords' fixtures and tenants' fixtures—anything that was removable being held to belong to the tenant. There was no presumption at all in the case—it was a question of property, and whatever was fixed to the soil belonged to the owner of the soil. And let them recollect that this was a presumption of fact, and not a presumption in respect to property, for that was fixed and settled by law. The noble and learned Lord said that the presumption was in favour of the tenant. This was a violation of every principle of law. Every person who made a claim was bound to establish it, and the clause was in direct violation of this principle. This principle of presumption was a very dangerous one, and it would operate most unfairly and unjustly against the landlord, who would have more difficulty in proving what improvements he had made than the tenant would experience on his part.

The Duke of RICHMOND said, he should like to ask for some explanation as to the improvement in the Law of Evidence referred to by the Lord Chancellor of Ireland (Lord O'Hagan); and he also wished to know whether, in the event of the death of an agent who had had the management of an estate for 20 years, evidence of all the improvements made at the expense of the landlord during that period could be produced on a sheet of letter paper—because on the second reading a noble Marquess (the Marquess of Lansdowne) stated that the improvements made by the landlord on an Irish estate of his during the last 20 years could be produced on a sheet of letter paper? He was sure that every improvement which ought to have been made by the landlord had been made on that estate by the noble Marquess and his predecessors.

The Marquess of LANSDOWNE said, that the expression of which he had made use on the occasion referred to by the noble Duke was "that by return of post he could have a schedule containing a list of the improvements made on the estate during the last 20 years." However, whether he had used the words "a schedule" or "a sheet of paper," he believed he might have said that he could produce the list in an hour or two, so regularly had the accounts of those improvements been maintained and transmitted each year by the agent. He should not again discuss the general question. He agreed with every word said on the subject by the Lord Chancellor of Ireland: he concurred also with his noble Friend the Secretary for the Colonies that the evidence given by Mr. Trench as to the improvements made by large proprietors ought not to be taken as showing that on smaller properties the improvements were not made by the tenants. He quite agreed, too, that the accounts of the owner of an estate, whether he were an absentee or not, would be most valuable evidence in substantiating a question of presumption. The character of the works executed by the landlord ought to be weighed by comparison with those done by the tenant. The works done by the landlord were put in hand at once and completed soon, and there was no difficulty in the way of placing them on record or in recognizing them afterwards; but the improvements made by the tenants extended over a considerable period; they were done in piecemeal and during the slack time, and much of them consisted in work, such, for instance, as the removing of stones from the land, of which it would be very difficult to keep a record distinct enough to constitute reliable evidence in a Court of Law. He hoped their Lordships would not add the Amendment now proposed to the somewhat serious alterations already made in the Bill.

The LORD CHANCELLOR said, that the change in the Law of Evidence alluded to by his noble and learned Friend the Lord Chancellor of Ireland was one which had been long contemplated in this country—namely, the reception of well-kept books and accounts as *primâ facie* evidence of the matters to which the entries had reference. There was some difficulty as to the reception of these books and as to the competency of the Judge to admit them if he thought fit as *primâ facie* evidence; yet the difficulty as regarded the exercise of the power had been somewhat overstated. The agent's books, if properly kept, might not show what was done in each field, but they would certainly show what was done on each holding, and therefore if they did not show what each tenant had done, they would show what set-off there was against what the tenant might claim. The noble and learned Lord (Lord Chelmsford) said they were going to invert the whole presumption of law. Of course they were. They were going to invert not only the presumption of law, but the whole title which the landlord had to everything that was fixed to his freehold. And why were they going to do so? Because they were going to turn a wrong into a right—and this step they were about to take with the consent of the whole of their Lordships. ["No, no!"] The whole House had agreed that the tenant must be paid for his improvements; and the noble and learned Lord (Lord Cairns) had in 1855 introduced a clause in a Bill giving retrospective compensation for improvements that, according to the old rule of law, had already become the property of the landlord. For 15 years those men had been kept out of their money; and the question now was whether those unfortunate tenants were to be made to prove in the first instance that they had executed these improvements, built their cottages, and the like, instead of its being left to the landlord, where he disputed their claim, to show from his books and accounts, which his agent must have kept, that he had made them.

Lord CAIRNS said, this was a question which concerned both the past and the future. As to the past, in regard to keeping the books of the estates, no doubt in the case of large absentee proprietors the improvements would be effected through the medium of agents, who must in most instances be in direct communication with the landlords, and whose accounts must show, at least in general terms, what money had been spent, and the nature and extent of the works on which it had been laid out. But even in respect to these accounts, if brought forward in a Court of Justice in a controversy with the tenants, they would be useless as far as showing who had made particular improvements on particular holdings went. As the law now stood they would not be evidence on that point; and if they were made evidence by this Bill, they would not be applicable to every case—they would not show the particular part of the holdings on which distinct improvements—

drainage, for instance—had been made. But, turning to those landlords who lived on their estates, and conducted their business either themselves or by their bailiffs and who had no agents—they were under no obligation to keep books or accounts specifically showing what improvements they had made themselves, or what improvements had been made by their tenants; and to tell them that if they produced the entries in their books and accounts everything would be allowed, was a simple mockery and delusion. Speaking of the past, when he heard a proposal made that the books and accounts of agents should become evidence of expenditure by their principals, all he could say was that if such a proposition were made to Parliament he should give it his most strenuous opposition. Nothing could be more unfair or unjust towards the tenants than that the books and accounts of the landlord or his agent should be evidence against them. As to the past, then, there had been no obligation on the part of landlords to keep books and accounts, even if they would be evidence by law, which they would not be; and, turning to the future, he repudiated the idea that the landlords' books or accounts ought to be evidence against the tenants. It had been said that the House had assented to the proposition that tenants should be compensated for past improvements, and that he had himself supported a similar principle. No doubt this was so. He had himself some years ago proposed that tenants should be compensated for their past improvements; but no one, except Mr. O'Connell, had ever proposed that tenants should be compensated without proving that they had made the expenditure—because that was the point. Their Lordships, by agreeing to the second reading of this Bill, had agreed that the tenant should be compensated if he showed that he had incurred expenditure on improvements; but they had never assented to its being assumed that he had made the improvements until he proved that he had done so. It had not been the duty of landlords to keep accounts with reference to that point, because the law told them that things which were fixed to the freehold became their property, without any proof on their part as to the person by whom they were made. On the other hand, he said it had been the duty of the tenants, if they were intending to set up a moral claim to be compensated for those improvements, and were asking—as he thought, justly asking—for legislation on the subject, to keep a record from time to time of the improvements they effected on their holdings, in order that, when the time for legislation arrived, they might come forward and substantiate their claim to them. He could well imagine the difficulty which Members of the Government found in persuading each other on this matter. They had to console and support each other as best they could. Their Lordships were asked to do what had never been proposed in the judicature of any country on the face of the earth. Different countries differed as to the law in regard to the rights of tenants; but no country under the sun had ever allowed any tenant even the slightest right ever given in regard to fixtures until he had first discharged the obligation of proving what were the fixtures which he had put up. They were now asked to invert no presumption merely but the positive rule of law, and assume, without proof on the part of the tenant, that he and not the landlord had made the improvements. And what was the justification for that? Why, that in a great number of instances in Ireland the improvements had been made by the tenant and not by the landlord. Let him assume for the moment that to be so—but they knew as a matter of fact that in a great number of instances the improvements had been made by the landlord—they knew that £2,000,000 sterling of borrowed money had been spent by the landlords on improvements and repaid. What consolation was it to the landlord who had made the improvements on his property when his tenants came forward and by virtue of this Bill said they required the Court to presume that they had made all the improvements; that on some other estate in some other part of the country the improvements had been made by the tenant, and not by the landlord? It was the roughest sort of justice he had ever heard of to say that because on some one estate the tenants had made the improvements and not the landlord, they were to presume that on another estate, where the landlord had made them, they had been made by the tenant. That was the proposal and also the justification of the Government. But he would ask—Was it the fact that even in the majority of cases the improvements were made by the tenants? He joined issue on that. If they took the cases in which the tenants made the improvements and also those where they were made by the landlord and the tenant together, they might find that those cases were in a majority as compared with the instances in which the landlords had made the improvements alone. But if they took the cases where the tenants alone made the improvements, and those in which the landlords alone made them, they would not find sufficient evidence to show that the former were the greater number. The most difficult cases, however, which the Court would have to decide were the mixed cases, where the tenant had given what was most convenient to him—his labour—and the landlord what was most convenient to him—the slates and timber. He had said all along, with reference to the future, that, although the policy was bad, yet it was only a question of policy or expediency, and there was no injustice, because those who were forewarned were forearmed; but with respect to the past, he would sooner cut off his right hand than vote for the proposal of the Government, because it would be the rankest injustice. And yet the Government were holding out for this little fragment of the past. Why was it that if there had been a sale in times past, the presumption was not to be in favour of the tenant? The tenant was to be compensated for his improvements just the same, whether there had been a sale or not; but where there had been a sale, the presumption was no longer to be in his favour—and why? Because the purchaser could not possibly know what dealings there had been between the former owner of the estate and his tenants. Let their Lordships apply that analogy to the case before them. How was the son or grandson of a landed proprietor, when his agent might be dead or gone abroad, to know what dealings had occurred between his father or grandfather and the tenants on the estate? Again, why was there to be no presumption in favour of the tenant holding under a lease? The truth was that these distinctions were wholly capricious and whimsical. He trusted, therefore, their Lordships would firmly and persistently resist the proposal.

THE EARL OF KIMBERLEY said, the noble and learned Lord (Lord Chelmsford) had alluded to a supposed difficulty of the Members of the Government in supporting this clause; but there was a difficulty of another kind which he believed insuperable, and to which no allusion had been made, and that was the difficulty of answering the speech of his noble and learned Friend behind him (Lord O'Hagan). The noble and learned Lord (Lord Chelmsford), coming in at the close of the debate, delivered a speech which showed that he had not heard a word of the speech of his noble and learned Friend. When the noble and learned Lord asserted that it would be impossible to prove what money had been spent on particular drains or buildings it only showed that he had never had any practical acquaintance with the management of landed property at all. Now, he ventured to say that, upon any well-managed estate, a plan of the drainage made by the landlord at his own expense was kept. ["No, no!"] He could only recommend noble Lords who cried "No" at once to introduce an improved mode of management on their estates. Did anyone mean that upon a well-managed estate there were no accounts kept which showed the money which had been spent, not only upon drains, but even upon sheds? As to books being received as evidence in the Court of Chancery, he was informed, on very high authority, that it was so; not that such evidence was to be taken as conclusive, but simply *valeant quantum*. But why was the noble and learned Lord so squeamish on this point of the Bill? They had heard the noble and learned Lord say that he was strongly in favour of compensation for retrospective improvements. Now, when the noble and learned Lord, in the case before the House, took such extravagantly high ground on principle, he wished to point out that he was estopped from doing so by having advocated giving compensation for past improvements which no landlord could possibly suppose would be given, and by proposing an *ex post facto* law; which was one of the strongest things that a Legislature could do. He thought that, if the noble and learned Lord had only perused the Blue Book he held in his hand, he would hardly assert that only a small amount of the improvements had been made by the tenants; and it would be very hard to inflict punishment on such a class of men merely because they did not keep the same evidence of their expenditure as their landlords did of theirs.

THE DUKE OF ARGYLL said, their Lordships had heard one noble and learned Lord positively assert, and another as positively deny, what was purely a question of fact—namely, that the law of England did allow books to be received in evidence in the Court of Chancery. As it was a question of fact, perhaps the best thing to do would be to read the words of the statute. By the English Chancery Practice Amendment Act, 15 & 16 *Vict.* c. 86, s. 54, the Courts of Equity are expressly empowered

> "In cases where they shall think fit to direct that the books in which the accounts have been kept, or any of them, shall be taken as *primâ facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objection to them as may be advised."

If there was meaning in the English language that was a clause which would enable any of their Lordships to bring into Court the books of his estate in answer to a tenant putting in a claim. This he could say—that in Scotland, where they anticipated no alteration of the existing law, and had no occasion to defend themselves against future legislation, he had a distinct account of all the money laid out in improvements on any particular farm.

LORD CAIRNS said, the clause quoted by the noble Duke had not the slightest relevancy to the present controversy. It was intended to apply only to disputed partnership accounts, which had been accessible to both contending parties. He would challenge his noble and learned Friend the Lord Chancellor to point out an instance in the Court of Chancery in which books of account had been admitted as *primâ facie* evidence against a person to whom previously they had been inaccessible.

THE LORD CHANCELLOR admitted that the clause had not been put in force so frequently as it might advantageously have been; but he denied that it was intended to apply solely to partnership or any other particular class of accounts, for he had the very strongest impression that it had been made use of in the case of an executor's accounts, the executor having died before the matter came into Court.

LORD DENMAN said, he should vote for the Amendment, on the ground that the clause as proposed by the Government would do justice neither to landlords nor tenants; because, instead of settling amicably—either without or with valuers, and, if necessary, an umpire—what compensation for improvements the landlord conceded to the tenant, and what improvements the tenant admitted to have been done by the landlord, this Bill incited the tenant to make great demands, and to put the landlord to the proof of his improvements, which, but for this Bill, the tenant would have been ready to admit; and because the clause (5) obliged the tenant to go before a Court with a claim for improvements, and thus encouraged litigation.

THE MARQUESS OF CLANRICARDE consented to adopt certain verbal alterations in his Amendment, which was then put in the following form:—

> ("All claims for improvements under this Act put forward either by landlord or tenant shall be proved by evidence, and such evidence shall be subject to appeal as hereinafter provided").—(*The Marquess of Clanricarde.*)

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Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

THE DUKE OF RICHMOND said, that after the decision at which the House had just arrived, he felt it right to move the Amendment which had been passed over at an earlier period of the evening—that providing for a permissive registration of improvements by either landlord or tenant in the Landed Estates Court. He trusted the Government would not object to the insertion of the clause, which he believed would prove very useful.

Amendment *moved,* page 6, after Clause 4, insert the following Clause:—

(Permissive registration of improvements.)

"Any landlord or tenant who may be desirous of preserving evidence of any improvements made by himself or by his predecessors in title, either before or after the passing of this Act, may at any time (subject to the provisions hereinafter contained) file a schedule in the Landed Estates Court, specifying such improvements, and claiming the same as made by himself or his predecessors in title; and such schedule so filed shall be primâ facie evidence that such improvements were made as therein mentioned: Provided always, that notice in writing of the intention to file such schedule, together with a copy thereof, shall be given by the landlord to the tenant for the time being of the holding on which such improvements shall have been made (or by the tenant to the landlord, as the case may be) within the prescribed time before applying to the Landed Estates Court to file the same; and if the person receiving such notice shall dispute the claim made by such schedule, either wholly or in part, he shall be at liberty within the prescribed time and in the prescribed manner to apply to the Civil Bill Court to determine the matter in difference, and in such case such schedule shall not be filed unless or until leave shall have been given to file the same either in its original or in any amended form by the Civil Bill Court; provided also, that before filing any such schedule proof shall be made in the Landed Estates Court by statutory declaration that the notice hereby required has been duly given, and that no application has been made within the prescribed time by the party receiving such notice to the Civil Bill Court; or (if any such application has been made) that leave has been given by the Civil Bill Court to file such schedule.—(*The Duke of Richmond.*)

Earl GRANVILLE said, he deeply regretted the decision at which their Lordships had arrived, which took away what he considered as an act of justice towards the tenant. But he thought this clause would add still further to the injustice, because ignorant tenants would not be able to avail themselves of it.

Earl FORTESCUE said, he could not agree with his noble Friend. He thought the system of registration proposed would tend to prevent disputes in future.

Lord ATHLUMNEY said, the clause was excellent in intention; but in practice he feared it would have a tendency to create preliminary and unnecessary disputes between landlord and tenant before any claim was made for compensation.

Earl GREY suggested that the clause should apply only to improvements which were hereafter to be effected.

Lord CAIRNS reminded their Lordships that the proposition was to allow the tenants to make improvements without the assent or even the knowledge of their landlords, and to found on those improvements a claim for compensation. When they provided for the growing up of such incumbrances upon estates it would only be fair to give the owners the power of becoming acquainted with what they were; for if upon an estate each of 2,000 tenants effected improvements to only the extent of £2 per annum, in five years the very serious incumbrance of £20,000 would be created. This he thought was a thing which no reasonable Legislature would sanction. The proverb said that "short reckonings make long friends;" and the best way to preserve harmony between landlords and tenants was to provide that both should, at the earliest moment, know what each claimed in respect of the improvements that were effected. When fresh these claims could be easily inquired into; but if a period of 20 years were allowed to elapse, great uncertainty and conflicting testimony would arise and complicate the question.

Lord PENZANCE thought their Lordships should give the clause a little more consideration before proceeding to adopt it; because—although he doubted it—circumstances might render it desirable to enact that in future a tenant should not be able to make a claim for any improvement unless he had registered it in some public Court and had given notice to his landlord. This clause, however, was open to the objection that it created a controversy before it was certain that there need be any, for a dispute might be caused about improvements in respect to which the tenant could not be able to make a claim. It seemed, therefore, to encourage litigation; while, on the other hand, it would provide evidence that there might be a difficulty in obtaining at some future time. Anyone who under this clause registered an improvement and met with opposition would be at liberty not to dispute the matter, which would remain unsettled, instead of being brought to the test, as it should be, at once.

The Duke of RICHMOND felt that there was much force in the suggestion of the noble Earl (Earl Grey), and he therefore proposed to strike out a few words, so as to make the Bill apply only to improvements made after the passing of the Act.

The LORD CHANCELLOR said, that improvements could not be registered without the help of a lawyer, which would involve an outlay; so that in 99 cases out of 100 he believed improvements would not be registered.

The Duke of MARLBOROUGH said, that in his opinion the whole Bill was calculated to increase litigation.

Earl GRANVILLE protested against that assertion, and said that the Government wished to prevent all unnecessary litigation by providing a Court which should finally decide all disputes. He hoped there would be very little litigation under this Bill. He utterly denied any intention to put expensive legal difficulties in the way of the tenants.

Question put, That this clause be there inserted? and noble Lords declaring themselves of opposite opinions, their Lordships were about to divide—

Earl GRANVILLE said, that having sufficiently declared the opinion of the Government by declaring himself "Not Content," he would not put the House to the trouble of dividing.

Clause, as amended, *agreed to,* and *ordered* to stand part of the Bill.

Clause 6 (Compensation in respect of payment to incoming tenant).

The Earl of LIMERICK moved to insert in line 5, after ("holding,") the words ("held under a tenancy existing at the time of the passing of this Act"), on the ground that the clause as it stood would create confusion in the affairs of numbers of estates, by enabling middlemen to create tenancies the holders of which the original landlord would be compelled to compensate.

The Earl of KIMBERLEY said, the noble Earl was mistaken, as the word landlord was defined in the Bill as the "immediate landlord;" and, therefore, if the middleman was to create tenancies of this kind he would have to pay them out himself.

Amendment *negatived.*

The Earl of LEITRIM moved an Amendment, having for its object to provide that the consent of the landlord to the payment of money by the tenant for the goodwill of a holding must have been "in writing," in order to give the tenant a claim for compensation by reason of such payment.

After short discussion, Amendment (by Leave of the Committee) *withdrawn.*

Amendments made, in line 22, page 7, after ("respect") insert ("or as covering the value,") and in line 27, after ("tenant,") insert ("or his predecessors in title").

The Earl of LIMERICK moved to omit, in line 35, the words ("made before the passing of this Act").

After short discussion, Amendment *negatived.*

Clause, as amended, *agreed to.*

Clause 7 (Compensation in respect of crops) *agreed to.*

Clause 8 (Limitation as to disturbance in holding).

The Duke of RICHMOND said, that this clause was a very important one. It provided that ejectment for non-payment of rent should not be deemed disturbance by the landlord, and he proposed to insert after the word "rent," in line 7—

> "Or for breach of any condition which shall appear to the Judge before whom the ejectment is tried to be a reasonable condition."

He contended that there might be many things for which a landlord might reasonably eject a tenant besides non-payment of rent.

Amendments *moved,* line 7, after "rent," insert—

> "Or for breach of any condition which shall appear to the Judge before whom the ejectment is tried to be a reasonable condition;"

and, in line 8, leave out from ("unless") to ("determination").—(*The Duke of Richmond.*)

Earl GRANVILLE opposed the Amendment.

The Marquess of SALISBURY said, this was an exceptional clause in an exceptional Bill. The clause would give the Court the power of revising the rent of every landlord in Ireland. The noble Earl (Earl Granville) had taken credit to himself that the Bill would not lead to litigation. Now, what would be the effect of this clause? Whenever a tenant was in arrear the only chance a landlord had of getting his own was to evict. Then the tenant would go to the Court and say—"I cannot pay my landlord one year's rent, and I come to you to decide that the landlord shall pay me seven years' rent." A more wholesale destruction of previous contracts, and of the arrangements of past generations could not be conceived. The tenant had obtained possession of his holding by competition, whether that competition was formal or otherwise, and now the Government came forward and said, that though the tenant had got the farm by offering a high rent, the landlord was to be deprived of that rent for which he had given the farm to the tenant. Some consideration ought surely to be shown to the landlord, who probably had entered into engagements on the faith that this rent should be paid and to those who were dependent on him. They should remember how many calculations this Bill would throw into confusion. There was no other country in the world where power was given to a Court to revise rents to which two parties had agreed. He disliked this clause for the same reason that he disliked the six lines in the 3rd clause—because they negatived the rule of honesty that what a man contracted to do he should be made to do. They were interfering with these rents, on the ground, he supposed, of the parties being unable to take care of themselves; but the same inconsistency was shown in this as in other matters, because they did not interfere with regard to future rents. Why was the tenant who should have contracted last year less able to take care of himself than the tenant who should contract next year? He hoped the Committee would not consent to any such proposal.

The Earl of KIMBERLEY said, if the noble Marquess should move to extend the clause to all future tenancies, whatever view their Lordships might take, it would perhaps be the more strictly logical course. Under the Ulster tenant-right the tenant who might be in arrear was not deprived of his claims; but the landlord got paid what was due when the tenant-right was sold to the in-coming tenant. In establishing something analogous in the rest of Ireland, the Government thought to guard it so far that where a tenant was in arrear he would forfeit the privileges which he would otherwise possess under the Bill; but then to prevent cases of hardship that might arise, it was proposed to empower the Court to grant compensation under special circumstances.

The Earl of LEITRIM denounced the Reports of Poor Law Inspectors as gross mis-statements got up for the occasion. They took just six weeks in the concoction, and they were now used for the purposes for which they were ordered.

Lord CAIRNS said, that to call this an exceptional clause was to apply to it a very mild expression. Now, what would be the operation of this clause? The tenant could claim compensation for improvements whenever he quitted the farm, even though there was no disturbance on the part of the landlord; but with regard to the goodwill of the farm, the provision for compensation was never to come into play until the tenant was disturbed by the landlord. Therefore, as long as the landlord did not disturb he was to be liable for no compensation on account of the goodwill. But, in this case, a tenant might break all the engagements which he was bound to fulfil—he might not pay his rent—and what was a landlord to do? If there was a condition in the lease that the tenant should not break up the pasture-lands and he did break them up, was the landlord to say—"I won't disturb him, because if I do I shall have to pay for the goodwill?" He objected to leaving the Court to decide whether, under certain circumstances, the landlord should submit to the loss of his rent. If the tenant would not pay, on the ground that the rent was exorbitant, surely the landlord could not be expected to take no steps to recover it? But the only course he could take was that of ejectment; and when he did that, probably the Court would say it was disturbance. In that case the tenant would not only escape punishment for non-payment, but would insist upon living rent free, or on receiving the amount of several years' rent by way of compensation. Where the arrears of rent, in respect of which the ejectment took place, had not occurred within the previous three years, the Court might treat the case as exceptional; but he must protest against throwing open the whole system of payment of rent to the supervision of the assistant barristers of Ireland.

Earl GRANVILLE said, that with regard to the second clause of the Amendment, he hoped the noble Duke would consent to postpone it until the Report, when, if he would bring it up up again, it should, at all events, receive very careful consideration.

Earl GREY suggested that the noble Earl (Earl Granville) should wait for the completed Amendments of the noble Duke on this question, and then he could himself introduce a clause giving to the tenants security in respect to the breaches of covenant and the proposals whereby arrears of rent might be made grounds of ejectment.

The LORD CHANCELLOR thought the 15th clause would meet all the requirements of justice, both with regard to landlords and tenants, and that the adoption of the proposed Amendment would merely afford an easy means of evading the most important provisions of the Bill.

The Duke of RICHMOND said, that the words of the Amendment had been very carefully drawn. If some such provision were not inserted great injustice would be done. The exception would meet special cases, such as that of a tenant becoming bankrupt—a circumstance which, he held, a landlord ought to be allowed to put forward as a "reasonable condition" on which to be relieved from the liability to pay compensation.

Amendment in line 7 *agreed to;* words inserted.

Amendment in line 8 *withdrawn.*

**Earl GRANVILLE** said, that the Government had refrained from putting the Committee to the trouble of dividing merely to suit their Lordships' convenience, and not because they assented to the principle of the Amendment.

Amendments made, line 14, after ("rent") insert ("or for breach of any such condition as aforesaid"); line 16, after ("voluntarily") insert—

("Provided that no tenant who shall have given notice of surrender, and afterwards refuse to give up possession, shall be entitled to any compensation under this section though evicted at the suit of his landlord founded on such notice").

Clause 8, as amended, *agreed to.*

Clause 9 (Exception in case of lands required for labourers' cottages).

**The Earl of AIRLIE** moved in line 27 to leave out "a proportionate abatement of rent" and insert—

"An abatement of rent equivalent to the value of the land taken; providing that, in estimating the value of land so taken, due regard shall be had to the situation of such land and to the general circumstances of the mode of husbandry practised on the holding."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

House *resumed;* and to be again in Committee *To-morrow.*

House adjourned at One o'clock, A.M.,
till half past Ten o'clock.

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# HOUSE OF COMMONS,

*Monday, 27th June,* 1870.

MINUTES.]—New Member Sworn—Kirkman Daniel Hodgson, esquire, *for* Bristol.

Public Bills — *Report of Select Committee*— Juries * [Nos. 306, 307].

*Committee*— Elementary Education [167]—R.P.; Local Government Supplemental (No. 2) * [171]—R.P.

*Committee — Report* — Post Office * [144-183]; Cattle Diseases (Ireland) * [174]; Medical Officers Superannuation * [70].

*Report*—Juries * [32-182].

*Considered as amended* — Liverpool Admiralty District Registrar * [164].

*Third Reading*—Sligo and Cashel Disfranchisement * [139], and *passed.*

## IRELAND—REPRESENTATION OF THE CITY OF DUBLIN.—QUESTION.

**Mr. STACPOOLE** said, he wished to ask the Chief Secretary for Ireland, If he can state what course the Government are going to take with reference to the vacancy in the Representation of the City of Dublin?

**Mr. CHICHESTER FORTESCUE** said, in reply, that the Government had come to the conclusion that the Report of the Commissioners appointed to inquire into the conduct of the Dublin freemen, while amply justifying the issue of that Commission, was not in respect of the last election sufficiently strong to justify the Government in bringing in a Bill for disfranchising the freemen of Dublin as a body. He might add that, in accordance with precedent, a Bill would be introduced by the Solicitor General for Ireland for the purpose of disfranchising those freemen who had been reported by name in the Schedule as having been guilty of corrupt practices. As soon as that Bill became law a new Writ would issue.

## THE LATE EARL OF CLARENDON.

### OBSERVATIONS.

**Sir HENRY LYTTON-BULWER** said, he was sure the House must deeply regret the loss the country had sustained by the death of the Earl of Clarendon. In consequence of this sad event, he would postpone the Question he had intended to ask with respect to the International Commission on Consular Jurisdiction in Egypt.

**Mr. MAGNIAC** said, for the same reason he would postpone his Question concerning the convention lately concluded with China by Sir Rutherford Alcock.

## ELEMENTARY EDUCATION BILL.

### QUESTION.

**Mr. KENNAWAY** said, he wished to ask the Vice President of the Council, Whether, in the case of a district separated for ecclesiastical purposes from a parish and possessing sufficient school accommodation of its own, it is intended under the Bill that such district should be obliged to contribute to an Educational Rate that may be required to be made by the parish of which, for civil purposes, the district still forms a part; also, whether under Clause 48, section 2, it is intended to create in parts of parishes or in district parishes an independent rating authority over their own area as occasion arose under the Bill?

Mr. W. E. FORSTER replied that it was not intended under the Bill that a district separated for ecclesiastical purposes from a parish should have a rate of its own. He was well aware of the argument by which the hon. Member would support his proposition, and in Committee on the Bill he (Mr. W. E. Forster) would state why he could not adopt the hon. Member's suggestion. The second section of the 48th clause would not have the effect contemplated by the hon. Gentleman's Question. It was to the effect that if there were a part of a parish outside of a borough, for example, a provision should be made for that part of the parish.

### ARMY—DEATHS FROM SUNSTROKE ON MARCH.—QUESTION.

Mr. DENT said, he would beg to ask the Secretary of State for War, Whether his attention has been directed to two paragraphs in "The Times" of the 24th of June, stating that a soldier of the 9th Regiment died from sunstroke on the march from West Ham to Kingston, and a corporal of the 94th from the same cause on the march from Guildford to Aldershot; that both these deaths occurred on Wednesday last, and that the troops were marching during the middle of the day exposed to the extreme heat of the sun; and to ask further, by whom the marches of troops are regulated; and, whether during hot weather arrangements might not be made for the march to take place in the early morning or in the evening?

Lord ERNEST BRUCE said, he would beg to ask the Secretary of State for War, Whether he is aware that a private in Her Majesty's 9th Regiment dropped down dead on the march on entering Kingston on Wednesday last, the 22nd instant, and that a sergeant in the same Regiment is also reported to have died from the extreme heat of the weather on the march on the 21st instant; and, whether, if the removal of a Battalion of Infantry from Warley in Essex to Aldershot by Railway cannot be arranged, it would not be better to change the quarters of Home Regiments at a cooler period of the year, so that the men may be spared the intense suffering of a four days' march in heavy marching order in the heat of the day?

Sir PATRICK O'BRIEN said, he would beg to ask the Secretary of State for War, Whether the statement is true that the 2nd battalion of the 9th Regiment, or that portion of it quartered at Warley Barracks, having received orders to proceed to Aldershot, were on Wednesday last marched to that camp in heavy marching order, a distance of some 15 miles; whether there were not two separate remonstrances made to the Quartermaster General or other department of the Horse Guards by the officer commanding the detachment, or other officer on his behalf, against marching the troops such a distance under a tropical sun, and in heavy marching order, which suggestion represented that the men's kits might be conveyed by railway or other conveyance; whether the officer in command did not earnestly suggest that his men should not be unnecessarily subjected to a march under a tropical sun; whether the billeting arrangements were neglected to such an extent that many of the soldiers of the 9th were obliged to sleep under hedgerows adjoining Stratford le Bow; whether the result of the neglect of the commanding officer's suggestion has not been suffering and consequent dissatisfaction in the Regiment, accompanied by the fact of the death of one soldier on the line of march from exhaustion, and of another being affected by "coup de soliel." Also, to ask who is responsible for the marching of those troops in heavy marching order, against the wish of their commanding officer; and, whether similar complaints have reached the War Office relative to the route of the 94th Regiment on the same day?

Mr. SCLATER-BOOTH said, he would beg to ask the Secretary of State for War, Whether he is aware that three cases of sunstroke, one of a very serious character, occurred on Wednesday last in the town of Alton during the march of detachments of the 46th and 96th Regiments from Winchester to Aldershot, in the hottest part of the day, and that the effect of the march generally was distressing to the troops in the highest degree; whether it is a fact that the detachments in question were unaccompanied by any surgeon, so that the cases referred to were treated by a medical gentleman of the locality; and, whether there is any reason other than motives of economy to prevent these soldiers from being conveyed by the railway which communicates directly between Winchester and Aldershot?

**Lord EUSTACE CECIL** said, he wished to know who had the responsibility of ordering these marches?

**Mr. CARDWELL**: Sir, I have gone fully into the particulars of this lamentable occurrence with the Field-Marshal Commanding-in-Chief and the Quartermaster General, and will state the circumstances to the House. Two men have died; one from the effect of the heat, and the other from causes which I shall explain in the course of what I have to say. The circumstances have been as follows:—It was the period of the usual moves of troops for the summer drill at Aldershot, which, as the House is aware, are made when the Militia Regiments depart and leave the quarters vacant. The 9th moved from Warley, the 94th from Woolwich, and the 46th, with two depôt troops attached, from Winchester. Two men have died —Malone, of the 9th, and M'Ewen, of the 94th. The sergeant of the 9th, reported in the newspapers to have died, has recovered. The routes are issued from the Quartermaster General's Department some days before. The hours are left to the commanding officers; the Queen's Regulations, par. 1,087, say, "All marches are to commence at as early an hour as the season of the year will admit of." The route of the 9th prescribed four days, beginning on the 21st—namely, to West Ham, 14½ miles; Kingston, 18; Guildford, 19; Aldershot, 11. Malone died on arriving at Kingston on Wednesday, the 22nd, the heat of which day all who hear me will remember. The medical account is—

> "He fell down suddenly on arrival at Kingston, at 5 p.m., and died of heat apoplexy at 10 o'clock that night. I may add that he did not come under my observation previously, but marched the whole way and carried his pack."

Tuesday's march began at 9 a.m., and ended at 5 p.m., resting two hours in the middle of the day. Wednesday's began at 6 a.m., and ended at 5 p.m., resting three hours in the middle of the day. For the 94th the route prescribed three days, beginning on the 20th—from Woolwich to Kingston, 18 miles; Kingston to Guildford, 19; Guildford to Aldershot, 11. The march on Monday began at 8.15 and ended at 3; on Tuesday it began at 8.15 and ended at 5.25; on Wednesday it began at 9.15 and ended at 1.45. M'Ewen, who died, was carried in the ambulance two days, and would have been carried the third if he had reported himself unable to march. He had only marched three miles when he was put into the ambulance. He died on arriving at Aldershot, and this is the medical report—

> "I have no hesitation in saying that his death may be ascribed almost altogether to drink, which rendered him unable to bear the effects of a march in hot weather; and from inquiries made by me I find that this man had been drinking hard on the previous day and upon that morning."

Of the 46th, which marched from Winchester, the route prescribed, to Alton, 18 miles; to Aldershot, 13. The battalion moved in three detachments, and as it has only two surgeons belonging to it, no doubt one detachment was without a surgeon. I have not heard anything of the circumstances mentioned by my hon. Friend (Mr. Sclater-Booth) except from himself; and, as I only heard that this morning, I have not yet received replies to the inquiries which I have instituted in consequence. The reports from the Regiment dislose no sickness. I will now answer the several questions which have been put. The 9th had their knapsacks carried for them the last two days. The 94th never carried them at all. The men had no ammunition in their pouches. No remonstrances from commanding officers reached the Quartermaster General directly or indirectly. The billeting arrangements at Stratford are reported to have been good, but the houses widely dispersed; and, so far as my information goes, one man only failed to find his billet and slept in the open air. I am informed that there is no dissatisfaction in the Regiments, but that the men are in an excellent spirit. The 9th and 94th have now very moderate hospital lists, and the only sickness to be traced to the march is three men footsore in the 9th and one in the 94th. Economy has not been the object of these marches. General officers have complained that the troops got out of the way of marching, and the authorities have been desirous, when the distances have been suitable, to accustom them to it. In conclusion, I may say that the Field-Marshal Commanding-in-Chief will take care that attention is drawn to the Regulation which requires that marches shall begin at as early an hour as the season of the year will admit.

## NAVY—RETIREMENT OF SIR S. ROBINSON AND MR. REED.

### QUESTIONS.

SIR GEORGE GREY said, he would beg to ask the First Lord of the Treasury, Whether it is true that Admiral Sir A. Spencer Robinson has resigned the Office of Comptroller of the Navy; and, if so, on what grounds?

MR. GLADSTONE: In answer, Sir, to my right hon. Friend, I am glad to have to state that it is not true that Sir S. Robinson has resigned his office of Comptroller of the Navy. But as it is true that the question of his resignation was raised, I will endeavour to state the grounds on which the communications in respect to it were based. The House is aware that an Order in Council was passed in 1866 with regard to naval retirement and another Order in the present year. The latter Order in Council has already been the subject of discussion and Division in this House. The Comptroller of the Navy approved, on the whole, the Order of February last; but he objected on two grounds, which appeared to him to be very strong, to one portion of the Order, namely — that which omitted the provision in the Order of 1866, to the effect that the employment of a Flag officer at the Admiralty should be considered as equivalent to sea service with reference to the purposes of retirement. That which was admitted in 1866 is no longer admitted as equivalent to sea service in the Order of 1870. Sir S. Robinson thought, in the first place, that it was not just to himself and to other officers standing in a similar category for the same purpose, and he likewise thought, in regard to the question of general policy, that it was not desirable for the interests of the service that the change should be made. He considered it to be for the public advantage that an officer holding an office such as his should continue to hold his place on the active list in the Navy, and that if he were removed from that list it would be a change in his position affecting his authority in the discharge even of such an office as that which he fills. These are the grounds on which Sir S. Robinson based his opinion on the subject; but he never desired, as he has stated—and I am sure implicit reliance may be placed on any statement which he makes—to treat the question as one purely personal to him, or to found his objections on the retrospective action of the Order of 1870 with regard to service at the Admiralty. But when he found himself on the 1st of June actually on the retired list, he then, probably owing to the joint action of the motives I have described, was of opinion that it was his duty to tender his resignation, and communications passed between him and the First Lord of the Admiralty, and between him and myself, on that subject. We informed Sir S. Robinson that it was not possible for us to make any alteration in the Order in Council to the effect he desired. We stated to him that we deemed it necessary to the policy we had adopted, both on account of our view of that policy itself and because we feared that any alteration of it would virtually compromise the authority of the Crown with respect to the power of making regulations for the Navy according to its own sense of what the interests of the service demanded and what was consistent with public exigency. We had, at the same time, no hesitation in assuring Sir S. Robinson that nothing was further from our desire than that the office which he filled should in any manner be lowered in the eyes of the Navy. Thus much we said, not only on account of the office itself, but particularly because of its being held by an officer like Sir S. Robinson, whose services are most highly appreciated by the Government, as, indeed, they are by all those who have an opportunity of passing a judgment upon them. It was, therefore, most agreeable to us to meet his feelings by giving him this assurance, as was done by me in the first instance in private, and, in the second place, in answer to the Question of my right hon. Friend in this House, I do not hesitate to repeat that which I have already said to Sir S. Robinson that, for the sake of the public advantage, it was desirable he should continue to give his best services to the public by holding his present office. That, I think, is the whole of the case as it occurred. I do not understand Sir S. Robinson to have altered his opinion with regard to the measure taken by the Government, and the Government have felt it to be their duty to adhere to that measure. But Sir S. Robinson, after the assurances which he received from the Government, still continues to serve the public as he has long done with great advantage to the State.

SIR JOHN PAKINGTON: According to public rumour Mr. Reed, the Chief Constructor of the Navy, has also sent in his resignation. I should like to know whether that is the fact?

MR. GLADSTONE: I have heard the rumour to which the right hon. Baronet refers. But no communication to the effect that Mr. Reed desires to resign has been made either to the First Lord of the Admiralty or myself. I may add that I have no reason whatever to anticipate any such communication.

## POOR LAW—RETURNS OF PAUPERISM.

### QUESTION.

MR. KEKEWICH said, he wished to ask the President of the Poor Law Board, Whether he is of opinion that a very erroneous impression exists as to number of able-bodied paupers receiving in-door and out-door relief on account of want of work and destitution; and, if so, whether it is not caused by the mode in which the Returns are made to the Poor Law Board; whether it would be desirable to separate the Return of those receiving relief on account of the sickness of the head or a member of the family from that of paupers relieved on account of destitution from want of work; and, whether he has any objection to state the number of that class receiving relief on the 1st of this month not including vagrants?

MR. GOSCHEN: Sir, I am of opinion that an erroneous impression exists as to the numbers of able-bodied paupers receiving out-door relief on account of their want of work, and I think the form in which the Returns are presented to the public has contributed to that result. Arrangements have been made by which, in future, the Returns will show more accurately the various classes to which the paupers belong. I should have no objection to state the number of the paupers relieved on account of destitution on the 1st of this month, if it were not the case that the Returns giving that information are made up only for the 1st of January and the 1st of July. I should estimate the total number of adult able-bodied male paupers in receipt of out-door relief to be less than 3 per cent of the total number of out-door poor.

## THE NEW COURTS OF JUSTICE.

### QUESTION.

MR. W. H. SMITH said, he wished to ask the First Commissioner of Works, If he will consent, pending the decision of the Government upon the plans for the appropriation of the site, to open a temporary thoroughfare for foot passengers from Carey Street to the Strand, over the ground which has been cleared for the proposed Palace of Justice, in lieu of the thoroughfares which have been closed under the authority of the Courts of Justice Building Sites Act?

MR. AYRTON, in reply, said, as far as he could judge, the excavations for the foundations of the new building would be begun at so early a period that it would be impracticable to open a thoroughfare across the site, in lieu of those which have been closed, from Carey Street to the Strand.

## ELEMENTARY EDUCATION (*re-committed*) BILL.—[BILL 167.]

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 24th June.*]

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Definitions).

SIR GEORGE GREY said, the clause contained a definition of a parish as "a place for which a separate poor rate is or can be made." His own parish contained no fewer than ten townships, each of which was a civil parish, and there were many parishes in the North of England in a similar position; and, as it was impossible for small townships to form separate school districts, he thought that definition required amending.

MR. W. E. FORSTER said, that was so in his own parish; but the supposed difficulty was provided for by the subsequent clauses—33 to 40—which related to the combination of parishes, and which could be amended if they did not meet all cases.

Mr. LIDDELL moved the postponement of the clause. He hoped the right hon. Gentleman would consent to his Motion, as he believed it to be inexpedient to adopt some of the proposed definitions until questions involved in some of the clauses had been decided.

Mr. W. E. FORSTER said, the definitions could be altered afterwards, if it were necessary to amend them in consequence of alterations in the provisions of the Bill. He was prepared to accept the Amendment of the hon. Member for Hull (Mr. Norwood).

Mr. GATHORNE HARDY said, he knew of instances in which there were townships of 40,000 inhabitants in the midst of parishes; and, in such cases, subdivisions would be desirable. He thought the power to subdivide should, therefore, be taken in the Bill as well as the power to unite.

Lord ROBERT MONTAGU said, there were parishes divided into as many as 13 townships; for example, the parishes of Heartburn and Cambo, in Northumberland, the population of which were 746, and 780 respectively. According to the 5th clause, the local district would be one of the townships into which the ecclesiastical parish is divided; and there were as few as four inhabitants in some of these subdivisions. He thought it would be better to leave out the definition of parish and insert it afterwards.

Mr. W. E. FORSTER said, he thought the clauses could be most conveniently debated if the definition was first admitted. If the necessity should arise the definition could be considered afterwards.

Mr. LIDDELL said, he would withdraw his Amendment on the understanding that hereafter the Committee should not be bound by the terms of the present definition.

Amendment, by leave, *withdrawn.*

Mr. NORWOOD said, he rose to move the omission, from the definition of elementary schools, of the words "at which the scholars are boarded or clothed." Such a definition would exclude some ragged and other schools, at which food was given to the children; and he was sure this could not be the intention of his right hon. Friend (Mr. Forster). He moved, in page 2, line 9, to leave out from "at" to "or," in line 10, inclusive.

Mr. W. E. FORSTER said, that in accepting the Amendment, he did not prejudge the question raised by the clause which his hon. Friend had given Notice of. It was a serious point whether they should consider a boarding school as an elementary school.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 4 *agreed to.*

Clause 5 (School district to have sufficient public schools).

Mr. DIXON said, he would withdraw the Amendment of which he had given Notice, providing for the creation of a school Board in every school district, in favour of the Amendment of the hon. Member for Berkshire (Mr. Walter).

Mr. WALTER said, his Amendment was one of considerable importance, because not only would it enable some very important provisions of the Bill to be carried out which, without it, there was no machinery for carrying out, but it would also lay the foundation of a municipal system of education throughout the length and breadth of the land. The principal reason which influenced him in bringing forward the Amendment was to be found in Clause 22, which provided that—

> "The managers of any elementary school in the district of any school Board, with the assent of such number of their body, if any, as under their constitution is binding on them, or, if there is no such number, of a majority of those members who are present at a meeting of their body duly constituted, may, with the consent of the Educational Department, make an arrangement with the school Board for transferring their school to such Board, and the school Board may assent to such arrangement."

Now, he did not know whether it occurred to his right hon. Friend or not, that such arrangements were very desirable and were very likely to be carried out. But he was of opinion that a great number of schools would be disposed to enter into such arrangements, if the requisite machinery for doing so were provided; but, as the Bill now stood, such machinery was not provided, because no existing school could be transferred until a local Board was called into existence for the purpose of receiving the transfer. Now, if the Bill worked well, the managers of a good many schools would not be inclined to think that the privilege of teaching the Church Catechism on week days, under the operation of the Conscience Clause, was an adequate compensation for the loss of the benefit which they would derive from relieving themselves to a great extent of the burden they at present very unjustly bore; and many gentlemen who, up to the present time, had maintained schools single-handed, would be inclined to think that their neighbours should be called upon to contribute their share. He wanted to provide those gentlemen with facilities for carrying out this very desirable and obvious arrangement, especially in schools in the country districts. When no local Board existed, how was the transfer of an existing school to be effected? How was it to become part and parcel of the national elementary school system of the country, founded by local Boards, and supported partly by local rates, until the manager had shut up his school, thrown the educational machinery of the district out of gear, and left the children meanwhile destitute of education? Then the Education Board would come down, declare that no elementary education of a proper description existed in that parish, and for the first time the local Board would be called into being. Now, he wanted to prevent that most mischievous waste of time. There was another reason in favour of his Amendment which would be appreciated by hon. Gentlemen on his right, and that was its effect in enabling the compulsory provisions of the Bill to be carried out. There was no machinery for carrying into effect the compulsory clauses of the Bill without the creation of local Boards. Section 65, which referred to the attendance of children at school, provided that every school Board exercising powers under the Act might, from time to time, make by-laws, among other things, requiring parents to send their children to school. If, however, you had no school Board and no local Board, how were the compulsory provisions of the Bill to be applied? Were you to throw the duty upon the existing manager, or on the overseer and churchwardens? Those persons might reasonably object to any increase of their present reponsibility. Besides, in carrying out a principle of so novel a character as that of compulsory education, which in the first instance required to be worked with considerable care, it was much more likely to work smoothly and effectively if the Board which administered it were elected by the district. His right hon. Friend might say—"What would be the relations of local Boards to the managers of existing schools?" If they had very little to do, he could congratulate them upon being placed in so agreeable a position; but that was no argument against the existence of such a body. He did not for a moment contemplate that a local Board so created would have any right to interfere with existing schools, or that the managers of existing schools should be *ex-officio* members of the Board. Probably, as a rule, they would be members of it; the energy and zeal with which they had carried on the existing schools would lead to the placing of these gentlemen upon the local Boards; but their power and influence would be considerably increased by the addition of a few other Members, and he hoped that in no case would a local Board consist of fewer than six members. Although a local Board, however, would have no immediate control or influence over existing schools, it would have the responsibility of enforcing attendance at those schools, and it would also be in the position of a body ready to receive any complaints from parents that their children were unfairly treated by the existing school authority. For these reasons, which the Committee would admit constituted a strong *primâ facie* case in favour of his Amendment, he moved, in Clause 5, line 28, to leave out all the words from the beginning to the word "defined," for the purpose of inserting the following words:—

> "A school Board shall be formed for every school district, as hereinafter provided, and it shall be the duty of school Boards to provide for their respective districts a sufficient amount of accommodation in public elementary schools, as hereinafter defined (except where such accommodation already exists, or as occasion may require)."

In case the Amendment were adopted, the last three lines of the 5th clause, after the word "made," would be surplusage, and should, therefore, be omitted. The clause amended as he proposed would read as follows:—

"A school Board shall be formed for every school district as hereinafter provided, and it shall be the duty of school Boards to provide for their respective districts a sufficient amount of accommodation in public elementary schools, as hereinafter defined (except where such accommodation already exists, or as occasion may require), available for all the children resident in such district, for whose elementary education suitable provision is not otherwise made."

Amendment proposed,

In page 2, line 28, to leave out from the word "There" to the word "defined," in line 30, in order to insert the words "A School Board shall be formed for every school district, as hereinafter provided, and it shall be the duty of School Boards to provide for their respective districts a sufficient amount of accommodation in public elementary schools, as hereinafter defined (except where such accommodation already exists, or as occasion may require.")—(*Mr. Walter.*)

Mr. HIBBERT said, he would support the Amendment, and for this reason, in addition to the others stated by the hon. Member for Berkshire (Mr. Walter)—that a school Board, whenever established under the Bill, would be enabled to remit the fees of children and to pay them out of the rates, and it was desirable that that power should exist. It was also desirable that, as far as possible, there should be school Boards all over the country, and there ought to be some mode by which, on the application of ratepayers, a school Board of this kind might be established. There were many districts where there was sufficient school accommodation, and where the managers of schools would be desirous to insure the attendance of the children by compulsion.

Lord ROBERT MONTAGU said, he thought it would be quite unnecessary for a school Board to be elected every year in places where, when elected, it would have nothing to do. There was already in the Bill sufficient power to elect a school Board wherever it should be found necessary; for, by the 3rd subsection of Clause 29, the Education Department might cause school Boards to be formed wherever they chose; but it would be ridiculous to force the election of school Boards on places where there was nothing for them to do. The hon. Member for Oldham (Mr. Hibbert) raised a large question, for, in giving his reasons for supporting the Amendment, he had implied that a rate could not be levied in every place without a school Board. But, if it were meant to establish a rate for the purposes of the Bill in every place in the country, such a proposition as that should be brought forward in an open manner, and no attempt to effect an object of that kind should be made in an indirect mode.

Sir ROUNDELL PALMER said, he wished to ask what the words in the Amendment, "as occasion may require," meant?

Mr. WALTER: From time to time, as more accommodation might be required.

Sir ROUNDELL PALMER said, that the clauses of the Bill empowered the Education Department to provide school accommodation where necessary, and the proposed Amendment seemed to transfer the power from the Education Department to school Boards.

Sir JOHN PAKINGTON said, that as yet the Committee had no sufficient information as to the contemplated extent of a school district. It seemed to be the general feeling that in the country the parish would for the most part be too small an area. His neighbours and himself had been obliged to combine four parishes in order to form a district. There might be other cases where the parishes were too large and subdivision might be necessary; and he thought it would facilitate progress not only with this, but with other clauses of the Bill if some indication were given of the extent of area the school district was intended to be.

Mr. DENT said, he trusted the Amendment would be accepted by the Committee. There was, or soon would be, an absolute necessity for the compulsory attendance of children at school, and without school Boards he saw no provision in the Bill for giving effect to its compulsory provisions. He could not see that existing managers of schools had anything to fear from being associated with a body of ratepayers. He thought that the existing schools which received no aid, and accepted no inspection, would be advantaged by the establishment of school Boards, inasmuch as the Boards would check the proselytizing spirit which pervaded some of these schools.

Mr. Serjeant SIMON said, he should support the Amendment. He thought the principle of permissive compulsion wrong; but if it were adopted, it should extend to all schools recognized under the Bill. He had no great faith in local

Boards; but if this scheme was to be under the direction of local Boards, and if there was anything good in them, he thought they should have local Boards everywhere.

MR. W. E. FORSTER said, he thought his hon. Friend the Member for Berkshire (Mr. Walter) had rather anticipated Clause 6, under which the universality of school Boards would more appropriately be discussed; but that was a mere matter of order, and it might be convenient that he should at once state what the Government were prepared to do. Clause 5, he thought, was rather a declaratory than an enacting clause. The great object of the clause was to fasten on a school district the duty of providing sufficient school accommodation. In stating the view he took of the question raised by his hon. Friend he must remind the Committee of what was the main principle of the Bill. It was to enforce provision where provision was necessary, but not to enforce it where it was unnecessary. Provision was to be enforced by a rate. There was no wish to oblige people to be rated unless it was necessary. Consequently, power was taken to inquire if there was sufficient provision; if there was not sufficient provision in quality and quantity there must be a rate; if there was sufficient in quantity and quality there would be no rate. Would they not, by the Amendment of his hon. Friend, be forcing some districts to be rated which did not require a rate? After all, the object of school Boards was the rating. There were other duties for them to perform; but that was the one thing for which they were called into existence. His right hon. Friend the Member for Droitwich (Sir John Pakington) had asked whether they could give any idea what ought to be the area of country districts. In towns the district was defined by the borough limits. But in country districts they had taken considerable powers for uniting parishes, where small into districts, reserving, however, to those who felt aggrieved, the right to appeal. It was almost impossible for them to define the exact area. Now, the difficulty that would arise if the Amendment of his hon. Friend the Member for Berkshire were carried was this— He would suppose they had a school Board everywhere in country districts. Many united districts would be composed partly of parishes already supplied with sufficient provision, and partly of parishes that ought to be rated. There would be considerable difficulty in forming that Board of representatives, some of whom represented districts that had to pay rates and some that had not. Those who had not to pay rates would, he thought, rather dislike being put in a position of having in any way to bear the burden of those who had to pay rates. On the other hand, he saw the difficulty raised by his hon. Friend the Member for Berkshire. He (Mr. Forster) had always looked forward to many of the existing voluntary schools being willing to transfer themselves to the school Boards, and he hoped that that would be the case. Then there was the case put by the hon. Member for Oldham (Mr. Hibbert) of ratepayers being desirous to pay fees for poor children. There was also the compulsion question. He was aware that it was a blot in the Bill, that because a district had provided the means of education, therefore it was not to have the same power of compelling attendance as a district that had not provided the means of sufficient education. He was perfectly aware of that—he foresaw this difficulty even before the Bill was introduced. That was only acknowledging the great difficulty of the question. But, on the other hand, there would be a great deal of jealousy excited if power was given to the managers of existing schools to compel attendance. After carefully considering all the difficulties of the case, the Government were prepared to take this step—while they would not force a district to provide a school Board unless it was proved deficient in school provision, they were willing to allow such district to do so; and he proposed to introduce words to enable a school Board to be formed at once on application being made by those who, if a school Board were necessary, would elect that Board. If in a borough a Town Council wished a school Board they would only have to apply to the Education Department for it; and there would be the same power in the rural parishes. That provision would really extend permissive compulsion all over the kingdom, because even a district already educationally supplied, would be able to obtain a school Board if they wished for compulsion, and the school Board would, of course, subject to the discretion of the Education Department, obtain the compulsory power. Now that the voluntary schools were not to be interfered with, he saw no objection to a district, if it liked, having a school Board. But, in addition to that, they proposed to meet another point raised by his hon. Friend. There might be cases in which the managers of a school, finding the principle of compulsory rates enacted, would be unwilling any longer to bear the very heavy expense of keeping up the school. It was quite possible there might be cases in which clergymen who, with great self-denial and with a very small income, had been keeping up a school, feeling that the neighbouring landowner was not bearing his fair share of the burden, might wish to shift the burden to the rates. It was quite true that might be done under the Bill as it stood, though only by a circuitous process; educational destitution would have to be created in order that the relief of the rate might be obtained. He proposed, therefore, to introduce words to this effect—that if the managers of any school convinced the Education Department that they were either unable or unwilling to continue the school, so that destitution would exist if it were not continued, a school Board should be formed. Those persons who, if there was a deficiency, would elect a school Board, should be able to ask at once for a school Board. There would be this advantage in these alterations, that the Bill would come into much quicker operation in towns. Educational destitution did undoubtedly exist in the majority of them; and they would be able, if they chose, to set to work at once to remedy it. That was the way in which the Government proposed to meet the case put by his hon. Friend.

Sir CHARLES ADDERLEY said, he regretted that the Government had given way upon this point. He had thought that the Bill was a supplemental Bill designed to supply existing deficiencies; but the concession just announced by the right hon. Gentleman, insignificant as it might appear, was a concession of principle, and in reality changed the whole character of the Bill, and made it one for superseding the present system. He failed to see the necessity or wisdom of those Amendments. Why should school Boards be called for when schools were already supplied; and why should the volunteers be supposed unwilling to continue? The power of compulsion might as well be given to the managers of existing schools as to the school Boards which would be created under the Bill. There was, therefore, no necessity to make school Boards in order to introduce compulsory attendance, if that was desirable. He should be glad to know whether, since Town Councils were to have the power of obtaining school Boards by asking for them, it was proposed that the application should be made by the whole Council or only by a majority of its members. When the right hon. Gentleman said that the Government were willing to concede school Boards to all such managers of existing schools as wished for them, that was, in fact, offering a bribe to the upholders of the voluntary system to relieve themselves of a duty which they had so ably and for so long fulfilled. This proposal exhibited impatience on the part of the Government to see the end of the present system, and was tantamount to changing the policy of the Bill. He believed that if the Government would be content to stimulate the present system no such Bill as this would be necessary at all He was, therefore, not prepared, on the contrary, to stimulate an inroad in the present system, to render the Bill the more necessary.

Mr. W. E. FORSTER said, that the precise terms of the course the Government proposed to pursue would be put upon the Table of the House almost immediately. He might add that the proposal would be carried out by adding words at the end of Clause 10. The Amendment would be consistent with the object of the Bill, which was to make use of existing agencies.

Mr. DIXON could by no means coincide in the contention of the right hon. Gentleman who had just spoken (Sir Charles Adderley) that impediments should be placed in the way of those managers of existing schools who might wish to retire from their labours when the Bill had passed. That would be but a poor acknowledgment of the great services which they were universally admitted to have rendered to the country. He was sensible of the value of the concessions which the right hon. Gentleman had just announced; but he hoped that the Committee would not be satisfied with them. They could not provide for the case of parents who might still be required by the school Boards to pay school-pence for the education of their children, although their circumstances were such as to make the payment difficult if not impossible; but he believed that it was the wish of the Committee that such parents should be relieved from everything that would act as an impediment to their children's education. In Birmingham it had recently been determined to pay the school-pence for all parents whose means were so small as to make them really poorer than paupers—that was to say, in the receipt of a smaller wage than would be allowed for the maintenance of the family if it was dependent on the parish; and the result was that no less than 6,000 applications for school orders were received. In regard to compulsory attendance, he wished just to observe, that it might be so gently and gradually introduced as to occasion no disgust or dislike in the minds of the people. If the principle, for example, were applied to children between the ages of five and eight, or five and ten, no pecuniary hardship would be inflicted on the parents, for children of such tender years could not earn wages. If they had not a school Board they would have no means of enforcing compulsion, however necessary it might be. He, therefore, hoped that, notwithstanding the concession made by the Government, the House would still urge upon them the great advantages of making the school Boards universal.

MR. W. E. FORSTER said, he must point out that his hon. Friend the Member for Birmingham (Mr. Dixon) was under a misapprehension as to the effect of the alteration proposed by the Government. The hon. Gentleman seemed to think it would not put the districts throughout the country in the same position as the school Boards in regard to school fees. It would, however, be seen that the 23rd clause placed them both in precisely the same position.

MR. CAWLEY said, he did not wish to enter upon a discussion of the right hon. Gentleman's (Mr. Forster's) concession till he had the words before him. But he thought it highly undesirable to empower a Town Council to bring the Bill into force without preliminary inquiry, as he believed such a proceeding would be productive of much acrimony. The Amendment pointed to the establishment of a Board compulsorily in each district; but he did not object to it so much on that account as because it proposed to make it compulsory upon the Board to provide a sufficient amount of accommodation in elementary schools without preliminary inquiry.

MR. WALTER said, his Amendment had no such intention at all. The preliminary inquiry was supposed to have been already conducted by the Government.

MR. CAWLEY said, that in that case he apprehended the Amendment was unnecessary, because the clause as it stood made it imperative that sufficient accommodation should be provided, and the subsequent clauses created the machinery for carrying out that object. He believed the majority in the country and the majority in the House desired to preserve the present voluntary system, and to supplement it only when it was absolutely necessary to do so.

LORD HENLEY said, he was of opinion that the proposed alteration was a most serious one, as it would extend compulsion, which, in his judgment, was a very great evil. Indeed, he hardly knew how in the rural districts a system of compulsion could be carried out. It would be very hard if a parish, already well provided with voluntary schools, were thrown into a district in which rate-supported and compulsory schools were necessary.

MR. W. E. FORSTER said, it was quite out of the power of the Government to accept the Amendment; but in making that announcement he wished to explain by what means they expected to be able to remove many of the objections raised by the hon. Member for Berkshire (Mr. Walter). It was only proposed that a school Board should be formed either where there was a deficiency or where the ratepayers wished it.

SIR RAINALD KNIGHTLEY said, he would beg to ask the hon. Member for Berkshire, whether he accepted the proposal of the Government; or, whether he intended to press his Amendment to a Division?

MR. WALTER said, he was much obliged to his right hon. Friend (Mr. W. E. Forster) for going as far as he could towards meeting the proposals embodied in the Amendment. It would, however, be the most straightforward course for him to say at once that he proposed to press his Amendment to a Division. He did not think the concessions his right hon. Friend had made really met the difficulties of the case, especially with regard to compulsory powers. He might, perhaps, be allowed to lay more stress on this point, because he had never been a strong advocate for compulsion. Still, what was good for one parish in regard to compulsory powers was good for another, and he could not conceive on what ground some 10,000 or 15,000 parishes which were provided with schools, at which the attendance was unsatisfactory, should be left without the means of having a local Board. It appeared to him that a local Board was a natural appendage to every district. If it did not exercise very active powers it would do no harm, and it would be available for the specific purpose referred to in Clause 22. It must be remembered that the voluntary system, which all so much admired, was merely the result of a very long course of public negligence. Certain people, who were not called upon to do so, had taken upon themselves to educate the people of this country; but it did not follow that they should go on doing so to the end of time. There would be great difficulty in getting a voluntary system to work side by side with a rate-supported system, for the one would tend to absorb the other and to supersede it. He spoke on this subject from some knowledge, and after corresponding with a vast number of poor clergymen who had been great supporters of schools. Some years ago a multitude of them expressed their preference for a rate-supported system, which they thought would only be just; but until such a system could be established they were willing to bear the burden that they had hitherto borne. The Committee, however, might depend upon it that that would not go on much longer, and his impression was that if the religious difficulty were got over a large number of the schools of this country would be gradually transferred to the national system.

Lord ROBERT MONTAGU said, the hon. Member for Birmingham (Mr. Dixon) had spoken of the necessities and the difficulties of poor districts, and then proposed to throw upon them the additional burden of the school rates. He (Lord Robert Montagu) was afraid of a Liberal Government when it began to make concessions to its supporters below the Gangway. *Timeo Danaos et dona ferentes.* The Bill which the Committee were discussing this evening was in fact the third that had been before the House this Session; that was to say, there had been two sets of changes introduced into the Bill to please the Members below the Gangway. Yet before any of its clauses were considered the Vice President of the Council said he had an Amendment which would meet the views of hon. Members below the Gangway; and the vague terms in which that announcement was made were such as to cause him to fear that there would be another total change in the essential character of the Bill. The Vice President said at Bradford that the Bill would not meddle with the existing schools, but would only make good the gaps in the present system; yet now it was sought to supersede the present system altogether; and he thought it was not fair that the Committee should be called upon to divide on the proposition of the hon. Member for Berkshire, when it was not known what was to be the proposition of the Government, of which the Vice President had given only a vague notice. Did the Vice President propose to form a school Board for every district without any previous notice or inquiry?

Mr. W. E. FORSTER said, his object was to enable the inhabitants of any district who wished to form a school Board to do so without any inquiry. He must disavow having any intention to alter the principle of the Bill, which really was intended to supplement the present system of education, and he contended that the inhabitants of a district in seeking to establish a school Board were not at all interfering with the voluntary principle, or injuring the existing system. The Government could not accept the Amendment.

Sir HENRY HOARE said, he thought the discussion had shown how wide was the line which separated one side of the House from the other. The object of the Amendment of the hon. Member for Berkshire (Mr. Walter) was to prevent the wreck of those principles of education which many hon. Members supported—namely, free admission and compulsory coercion. School Boards ought to be formed in every district to carry out those principles of the Bill which were supported by all.

Mr. CANDLISH said, he did not think it would help forward the Bill if they indulged in political recriminations. He had no complaint to make of the other side of the House, and he had no reason to think that they were not as honestly anxious for a good measure of education as those on his own side. The noble Lord opposite (Lord Robert Montagu) said the object of the Amendment was to supersede the existing schools. If that were so, he would not support it; but he did not think it was so. The presumption of the Government Bill was that there were districts of the country which did not need additional education. If that was not correct, then school Boards would become necessary everywhere. Now, where was there a district in the country where the means of education were sufficient? ["Oh, oh!"] They might say "Oh!" but the records of education and the marriage registers showed that there was not sufficient education in any county in England. The existing schools did not secure education, and there was nothing in the Bill giving authority to anyone to bring children to the school, except the local Boards. He believed that the Amendment would render the Bill more effective, and he regretted that the Government opposed it.

Mr. A. F. EGERTON said, he thought that under the Bill as it stood there would be a great number of school Boards established throughout the country, and that in many rural districts such bodies would be looked upon, at all events at first, with something like suspicion; while, as soon as their advantages became apparent, they would be very generally adopted. He might mention that in a parish in his neighbourhood which was partly manufacturing and partly agricultural, the parishioners had occasion some time ago to elect a schoolmaster. Three candidates presented themselves for election—one being a very decent man, the second a drunken tailor or shoemaker, and the third a tolerably decent man. Well, a very exciting contest occurred, and it resulted in the election of the drunken shoemaker. Taking such cases into consideration, he was in favour of having school Boards introduced gradually, instead of having them universally forced on the country.

Mr. BUXTON said, he was of opinion that all those hon. Members who were opposed to universal compulsion were bound to vote against the Amendment of the hon. Member for Berkshire (Mr. Walter). The proposal of the Vice President of the Council he looked upon as a very wholesome one, as it would meet the case of those wealthy persons in a parish who now left the burden of providing education to be borne by one or two managers.

Mr. BARROW said, in reply to the remarks made by the hon. Baronet the Member for Chelsea, he would point out that it was not the occupants of the Opposition Benches who had prevented the House for four nights from going into Committee on the Bill. As to the Amendment of the hon. Member for Berkshire (Mr. Walter), he should vote against it, because he deprecated any proposal which would have the effect of preventing a fair trial of the voluntary and the ratepaying system side by side. In the rural districts, he might add, there was no disinclination, so far as he was aware, shown to provide the means of education.

Mr. FAWCETT said, he regretted the Government did not mean to accept the Amendment; for, as the Bill now stood, we should have not only permissive compulsion, but permissive school Boards. He could not concur with the hon. Member for East Surrey (Mr. Buxton) that everyone who was opposed to universal compulsion was bound to vote against the Amendment, because the hon. Member for Berkshire merely proposed to destroy an anomaly and not to apply general direct compulsion—of which, indeed, he believed he was not in favour—at once throughout the country. As to what had fallen from the hon. Gentleman who had just spoken, he could corroborate his statement as to the provision made for education in the rural districts in the shape of schools. It would be found that no deficiency of school accommodation existed in the rural districts. What they required was, not schools so much as a larger attendance of children in the schools which were already provided, chiefly by the enthusiasm of the clergy.

Mr. AUBERON HERBERT said, he desired to thank the Government for the concession they had already made, and he hoped they would go a little further.

The necessity of a school Board in every district did not necessarily imply rating. A school Board elected by the district might do a great deal towards helping the managers of a school which satisfied the educational requirements of that district in getting the children to attend school. If a school Board were established in every district, it might work harmoniously with and very much assist the managers of existing schools. The Amendment would transfer certain powers from the Education Department to the school Board; and he would suggest the addition, at the end of the Amendment, of the following words:—"And according to the instruction of the Education Department."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 303; Noes 112: Majority 191.

SIR CHARLES W. DILKE said, in the absence of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), he would beg to move, in page 2, at the end of line 34, to add—

"'Public school accommodation' shall mean such a number of elementary schools in each district as shall afford sufficient school room and adequate teachers for all the children of school age in such district, and shall provide for such children means of education efficient in its character, and offered on conditions fair and equal to all; and no school other than a public elementary school shall be deemed to afford suitable provision for such district, unless such school shall conform in all respects to the regulations and conditions made in this Act in respect of public school accommodation in public elementary schools."

The object of the Amendment was to elicit from the Government their opinion as to what was a sufficient amount of public school accommodation.

MR. W. E. FORSTER said, he proposed to move to insert words, in line 31, that the education should be efficient and suitable. The intention of the Government had always been that the education should be efficient.

SIR CHARLES W. DILKE said, he thought the explanation only rendered it more necessary that he should press the Amendment of his hon. and learned Friend. His object was to insert in the clause a definition of what was meant by public school accommodation and efficiency.

MR. W. E. FORSTER said, he could not accept the Amendment. Clause 8 really gave the interpretation required. Clause 5 was a declaratory rather than an enacting clause. Clause 8 provided that when the Bill was passed there should be an inquiry into the amount of accommodation in every school district. Every school in the district, whether public elementary school or not, would have to be taken into consideration in determining that question, and whether actually situated in the district or not. The effect of this Amendment would be to subject districts in which there was already a suitable supply of schools to the imposition of the rate. There could not be submitted better security as to the efficiency of the schools than the responsibility of the Government, and, with regard to the phrase "sufficient school room," used by his hon. Friend, it was very little more definite than "efficient;" and as to the words "adequate teachers," that was much the same as "efficient." What the Government had contended for was, that the teaching must be sufficient and efficient and suitable. By sufficient teaching he meant that there must be sufficient schools; by efficient, that there must be efficient teachers; and by suitable teaching he had always meant there should be no reasonable objection to be made to the religious teaching. When they came to Clause 8 he should be ready to add some explanatory words that should show that they meant "suitable" to have that meaning. He should be ready to accept the Amendments of the hon. Member for Oldham (Mr. Hibbert) to Clause 8 and also to Clause 9. The Government were always of opinion that public notice should be given of the efficiency as well as the deficiency of a school, and they wished to admit of the possibility of the efficiency of a school being contested.

MR. GATHORNE HARDY said, he hoped the right hon. Gentleman would give the Committee some assurance with reference to schools that had no Government Grants, and in which certificated teachers were not employed, that the efficiency of the education would not be tested by that fact.

MR. W. E. FORSTER said, that they would examine in every case, and would not be guided altogether by the fact of whether the teachers were certificated or not.

SIR CHARLES W. DILKE said, he would withdraw the Amendment, on the understanding that the discussion would be taken on the 8th clause.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 6 (Supply of schools in case of deficiency).

MR. W. E. FORSTER said, he had to propose, in page 2, line 38, to leave out from "and" to "purpose," in line 39, both inclusive. They were retained by an error in the new draft of the Bill, and they were calculated to anticipate the discussion on the subject of the year's grace, which would more properly arise on Clause 9, at the end of which the Government had inserted the word "forthwith" instead of "within the period of 12 months after the date of such final notice." There were certain disadvantages in retaining the words establishing the year's grace, and the *onus probandi* rested on those who desired to keep them in the Bill, because their retention would certainly delay the operation of the measure. In large towns he did not think that much use would be made of the 12 months' grace, and he thought very little could be done in the country in 12 months in erecting new schools; while as the Government now looked forward to a revision of the Code, by which greater aid would be given to all elementary schools, he was of opinion that even in rural districts advantage would be taken of the proffered assistance to carry out without delay the objects of the Bill.

MR. GATHORNE HARDY said, he objected to the word "forthwith" as being too vague. As an inquiry was to take place in every district throughout the country it must of necessity occupy much time, and after that there would be a power of appeal from the decision arrived at. When the matter was finally settled the Education Department would send to the district a request that their intentions should be carried out forthwith. But how could that be done? If additional buildings were required they would take time to erect and complete, and 12 months would not be an unreasonable time for such a purpose. In some instances the existing deficiency might be supplied by changing the master, which could not be done "forthwith." The retention of the words proposed to be omitted would not injure the Bill, but give confidence to those who undertook the management of schools and call forth a great amount of voluntary exertion. The *onus probandi* of taking the words out of his own Bill rested with the right hon. Gentleman and not with the Committee. He (Mr. Gathorne Hardy) thought they had been wisely put in.

MR. W. E. FORSTER said, that the question proposed to be raised as to the year of grace did not properly arise on the clause. The Amendment had been rendered necessary from his omitting to strike out the words before reprinting the Bill. If the words were omitted, the question might again be more fairly raised on Clause 9.

SIR LAWRENCE PALK said, he wished to know how schools were to be erected in poor agricultural districts? The Bill provided that in the event of a school Board not carrying out the objects of the Act the Privy Council should step in and find a site and the funds for the erection and maintenance of an efficient school; but he wished to know how it was to be done. When the Bill was first introduced it was generally supposed the Privy Council would continue the building grants, but that had now been given up.

MR. W. E. FORSTER said, the hon. Baronet's question could be better raised in another part of the Bill, and he should prefer giving an answer to the question when it came in order before the Committee.

Words *struck out.*

MR. W. E. FORSTER said, he might state at once, although it anticipated a later portion of the Bill, that the position of a district, after "12 months" was struck out, would be this—educational deficiency might be discovered after inquiry, and that deficiency must be supplied. After giving time to appeal and for obtaining all the Returns—which, with every possible expedition, must take some months—a final requisition would be sent out to supply the destitution. If the school Board filled up the gap absolutely and entirely, keeping pace with the population, there would be no room for anybody else; but he had not that faith in human nature to suppose that that would be immediately and thoroughly done in every case, and wherever it was not done any person who was anxious to supply the deficiency would be in precisely the same position as at the present time, the Privy Council being open to all comers to give the aid required for public elementary schools to meet the educational wants of a district. The 83rd clause contemplated that state of things, because it gave the Privy Council power to refuse applications for assistance where they thought them unnecessary, obliging them to make a special Report of their reasons when they did so.

Mr. CAWLEY said, he thought the words of the clause would render it imperative on the school Board to supply the deficiency. Schools might actually be building at the time to supply the deficiency; but they would not be taken into account. The school Board must erect a new school out of the rate.

Mr. W. E. FORSTER: The order to the school Board would be to supply the deficiency.

Mr. CAWLEY said, where an obligation was thrown by Act of Parliament upon anybody they might be compelled to perform it by *mandamus*.

Sir CHARLES ADDERLEY said, he would suggest the introduction of words to postpone the issuing of the notice, after the Education Board had satisfied themselves by inquiry that a deficiency existed. It would be absolutely necessary that the school Board should be formed instantly the Education Department gave notice of the want of accommodation.

Mr. HIBBERT said, he was quite satisfied some words were necessary to give notice to a district. If a district appealed it would not be necessary that a school Board should be formed till the appeal was decided.

Mr. DICKINSON moved to insert the words—"if such deficiency is not supplied as hereinafter required" within the time limited.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Clause 7 (Regulations for conduct of public elementary school).

Mr. CORRANCE said, it was admitted that this Bill had made no inconsiderable demands on their forbearance; but he thought hon. Members opposite might have judged, from reservations that had been made, and from a still more significant silence, that there were parts of the Bill which could not fail to give rise to serious remonstrance in Committee. Such an one was the question he now raised by his Amendment. Although a Conscience Clause might be involved, he was not about to enter upon what was termed the religious difficulty. Perhaps he did not believe in the religious difficulty. Perhaps he agreed with the right hon. Gentleman the President of the Council that it was a Parliamentary difficulty. Perhaps he agreed with the hon. Member for Stroud (Mr. Winterbotham) that to talk of a Conscience Clause as a great and propitiatory sacrifice was simply ridiculous. At all events, each such view of the subject would seem to him sufficient to establish upon a logical basis the Amendment to this clause which he offered. Now, what were the facts he had to deal with? Since 1839 there had been schools built, founded, and endowed, with partial assistance from the State, and under certain and known conditions. To very few of these was there any condition imposed as to the nature of the instruction; their vocation was to teach, and they taught according to their knowledge. Most of them were founded and endowed by men out of rather religious than educational motives. He did not ask whether it was right, or proper, or enlightened; but they did so, and, as statistics proved, they prospered. They were still admitted to have been of great utility, and even now to be a great educational power. How were they going to deal with such schools and persons? In the first draft of their Bill the Government gave them their former advantages, slightly curtailed. By their second thoughts they were totally deprived of them. By the definition of a public elementary school under this Bill, they imposed an obligation general in its character, and to those schools they restricted absolutely the public grants. What was this but to deprive at once the whole of these schools of their grant? It was true they might come under this Act by the acceptation of new terms; but it was equally evident that those terms might be such as they could not accept; if so, they deprived them of their grant. The right hon. Gentleman the President of the Council said that the difficulty it was supposed to meet was not an educational difficulty, but a Parliamentary difficulty. Well, then, they arrived at this fact—that this Conscience Clause was nothing to be very enthusiastic about. It placed some difficulties in the way of teaching, and some disadvantages; but it was otherwise objectionable and mischievous in effect. It was, then, only as a necessity tolerable, and it should not go at all beyond that point. Where did this stop? Clearly at the point where the difficulty existed—the Parliamentary point. Now, the present application of this Act went far beyond this. It raised questions of the past, and most needlessly raised the most formidable obstacles upon their path. What claim had been made upon them? By whom? What injustice was stated—of what? Those existing schools were unobtrusively doing their own proper work, and surely there might in common prudence have been a policy of non-interference in such respects. It was not even a question of an increased grant, for this they would have considered as a question apart, and without any new condition they would have dealt with this. Why, then, should they tie their own hands by such a clause as this? Lastly, did no real and actual difference of condition exist as regarded those newly-created schools? Why, of this they found evidence in this Act. By the present provision of the 14th clause they established that distinction at once, and, under an obvious necessity, they prescribed the conditions under which such children should be taught. In this there would, at least, be no hardship, no breach of faith; and he asked them, in this Amendment, to recognize this principle. He begged to move, in page 3, line 4, after "school," to insert "constituted from and after the passing of this Act, or subject to any school Board or rating authority."

MR. BAINES said, he could assure the hon. Member (Mr. Corrance) that there was an entire agreement on that side as to the absolute necessity of a Time Table Conscience Clause, and he (Mr. Baines) had understood that the Leaders of the Opposition and the dignitaries of the Church were prepared to accept it.

LORD ROBERT MONTAGU said, he would beg to urge the hon. Member to withdraw his Amendment. He liked the Time Table Conscience Clause better than the old form, because there was in it a direct intimation that a purely religious teaching should be given, at least once, or at most four times a day. Yet he believed that it was a mistake to allow the Œcumenical Councils of Vestries and municipal authorities to determine what religious teaching should be given during that time.

MR. CAWLEY said, he hoped that the Amendment would be withdrawn. The practical working of the Conscience Clause in the schools at Manchester and Salford had shown that the religious difficulty was almost a myth; but, at the same time, it was absolutely necessary that such a clause should exist.

MR. DIXON said, the Members below the Gangway, so far from being dissatisfied with the Time Table Conscience Clause, were of opinion that it did not go quite far enough. He was unable to support the Amendment.

MR. W. E. FORSTER said, he hoped his hon. Friend (Mr. Corrance) would not go to a Division.

MR. CORRANCE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. BAINES said, he would beg to move, in line 5, after "regulations," to insert "a copy of which regulations shall be conspicuously put up in every such school." He trusted hon. Members would not object to this Amendment, as they seemed disposed to make the Conscience Clause a *bonâ fide* one.

MR. W. E. FORSTER said, he trusted the Committee would accede to his hon. Friend's suggestion.

Amendment *agreed to.*

LORD ROBERT MONTAGU said, in the absence of the hon. Member for West Kent (Mr. J. Talbot), he would beg to propose, in line 6, after "No child," to insert "whose parent shall object to the requirement." These words were in the Bill as originally framed.

MR. W. E. FORSTER said, he objected to the Amendment. The clause, as it stood, would enable the schoolmaster to require a child to attend the religious instruction in school if the child's parent requested him to do so; but it would not enable either the schoolmaster or manager to make such attendance a condition of a child being admitted to the school.

Mr. CAWLEY said, he feared that, in the absence of the Amendment, any child might rebel against his teacher whenever religious instruction was imparted during the ordinary course of teaching.

Mr. W. E. FORSTER said, he had carefully worded the clause, so as to prevent its having such an effect.

Sir MICHAEL HICKS-BEACH said, he wished to know what was to be done in the event of a child refusing to attend school lessons which his parents wished him to take?

Mr. W. E. FORSTER said, the child would be compelled to attend. In sub-Section 2, which related to withdrawal from the religious teaching after the child had been admitted, the word "parent" had been introduced.

Lord ROBERT MONTAGU said, that deeming the explanation which had been given by the Vice President of the Council a fair one, he should not press his Amendment.

Amendment, by leave, *withdrawn*.

Mr. Serjeant SIMON said, he would beg to move, in line 10, after "elsewhere" to insert "or to attend school on any day or on any occasion objected to on religious grounds by the parents or guardians of such child." His object was that the attendance of children at school should not be required on days which were regarded by them and their parents as sacred. Without the introduction of such words there would, he contended, be no sufficient protection for Jewish or Roman Catholic children, with whom certain days were set apart for religious observance—as, for instance, the Saturday, which was the Jewish Sabbath, and the saints' days in the Roman Catholic Church.

Mr. W. E. FORSTER said, he thought the object was covered by sub-Section 1; but as it was quite possible that might not be so, he should not decline to consider the matter with the view of meeting his hon. and learned Friend's views.

Amendment, by leave, *withdrawn*.

Mr. PEASE said, he rose to move, in page 3, line 13, to leave out "either at the beginning or at the end, or at the beginning and the end of such meeting, and shall be." A practical inconvenience would arise if these words were retained in the Bill. In some of the schools with which he was acquainted, where the children had to come long distances, and were frequently late, the beginning of the day would be a bad time for giving religious instruction, and there was an obvious objection also to the end of the meeting, when the children were thinking chiefly of tops and marbles. The clause had reference both to the old voluntary and to the new schools. He was personally acquainted with schools on the British and Foreign system containing 3,000 children, and, after diligent inquiry, he could not find that, during 13 years, a single child had been taken away from these schools on account of the religious instruction given there. That was the experience of most persons engaged in teaching with regard to the religious difficulty. He did not want to do away with the safeguard of the Conscience Clause; but he wanted the clause so framed as to be easily worked, and that every school should be allowed to take its own time for giving religious instruction, a time table being hung up, stating when religious instruction was given, so that the parents should know at what hours to withdraw their children if they objected to the religious teaching.

Amendment proposed, in page 3, line 13, to leave out the words "either at the beginning or at the end, or at the beginning and the end of such meeting, and shall be."—(*Mr. Pease.*)

Sir JOHN PAKINGTON said, he would appeal to the right hon. Gentleman the Vice President of the Council not to press the Time Table Conscience Clause in the shape in which it was proposed by the Bill, entirely on the practical ground that it would be productive of great embarrassment and inconvenience. Both the hon. Member for Westminster (Mr. W. H. Smith) and himself were prepared to propose the Amendment now before the Committee; and they were supported by a Petition which had been presented to the House, signed by 2,000 teachers, who objected only to the limitation of the discretion of managers as to the time at which religious instruction should be given, but did not object to a time table, to be settled by managers, subject to the approval of the Education Department, to be exhibited in the school, and not to be changed without some public notice. This was, in substance, the proposal contained in a Bill introduced in 1857 by Lord Stanley, Mr. Cobden, the right hon. Member for Newcastle (Mr. Headlam), and himself. A Memorial had been received from Leicester, signed by both Churchmen and Dissenters, objecting that the Bill unnecessarily fettered the discretion of managers; and a question having been submitted to a great number of schoolmasters in South Wales with respect to the proposal of the Bill, the majority of them returned such answers as "impracticable," and "would create confusion."

MR. MELLY said, that the greatest importance was attached to the Time Table Conscience Clause, and he hoped the Committee would maintain the concession made by the Government in this matter, which he thought should apply to all schools.

MR. W. H. SMITH said, he supported the Amendment because he wished as much liberty to be allowed in the management of the schools as was consistent with perfect liberty to any parent to withdraw his child from a religious instruction to which he might object. It was the practice of the British Society's schoolmasters to take religious teaching into their own hands, and teach one class after another, and not to leave it to the junior teachers.

MR. DILLWYN said, he trusted the Government would not assent to the Amendment, the practical effect of which would be to make the secular instruction of a school available only to those children whose parents approved the religious education given in it.

MR. STEPHEN CAVE said, as this was merely a question of convenience, the selection of the time should be left to the school managers. It would be practically impossible in a very large school for the master, who ought to be responsible for religious teaching, to give it at the beginning and end of the school time alone. A paper circulated that morning showed that the Presbyterians of Belfast advocated freedom in this matter.

MR. BAINES said, he conceived that the more easily understood the provision respecting the Time Table Conscience Clause was the better, and by the proposal of the Government ample opportunity would be afforded for religious instruction. Though many persons thought that a Time Table Conscience Clause could not easily be worked, he was confident that religious instruction might advantageously be given either at the beginning or the end of the schooling, and, therefore, he was strongly opposed to the Amendment.

LORD JOHN MANNERS said, that the existing Conscience Clause had been in operation for many years, and not a single instance had been shown of injustice or inconvenience to Dissenters arising from it. He thought that if they were to have a Time Table Conscience Clause it should not be of the stringent and odious character proposed by the Government, but rather of the more reasonable and easy form suggested by the hon. Member for South Durham (Mr. Pease). There were between 5,000 and 6,000 Church of England schools which received no Government aid and were not under Government inspection. One great object of this Bill was that these schools should be conciliated and induced to come under Government inspection. By the vexatious Time Table Conscience Clause of the Government they would diminish the temptation of the managers and teachers of these schools to come in; and he feared they would also induce some of those schools that at present received aid by Government Grants to throw up those grants rather than submit to this new restriction. If they were to have a Time Table Conscience Clause it should be in the simplest form in which it could be proposed.

MR. ANDERSON said, he objected to the Amendment of the hon. Member for South Durham (Mr. Pease) because it made the Time Table Conscience Clause still more vague, while it was much too vague already.

MR. LIDDELL said, the right hon. Gentleman the Vice President of the Council had appealed to hon. Members to deal with this subject as practical men. He (Mr. Liddell) appealed to the right hon. Gentleman as a practical man to deal with it as such. It was desirable that religious teaching should be given by the master. Now, he would put the case of a school where the daily attendance was to his knowledge between 800 and 900; would it be possible to give efficient religious instruction without dividing the pupils into several classes, and how in such a case could they stereotype the times when religious instruction should be given?

Mr. W. E. FORSTER said, he admitted that this was a very important question, and he was not surprised at the difference of opinion that existed upon it. The Government had found great difficulty in making up their minds; but they had formed a very strong opinion after having fully considered it. The practical argument had been appealed to, and he could only state that he had done his utmost to obtain practical opinions on the subject. It was very true that many schoolmasters had given their opinion in favour of complete discretion, and it was quite natural that they should. But he had taken the opinion of gentlemen who had been most actively engaged in the daily work, management, and teaching of large schools, both in town and country, and they assured him that the arrangement proposed by the Government could be easily worked. When there were four distinct times given in the course of the day for religious instruction, there was practically hardly a school in the kingdom that would not be able to act upon the Time Table Conscience Clause. The reason for fixing a limitation to the times when religious instruction should be given was on account of the strong feeling that existed that religious and secular teaching should be separated. It was that chiefly which originated the necessity of a Time Table Conscience Clause. In the interests of religion the Government were unwilling that the religious teaching should be given as an extra, out of school hours, or that words should be introduced to prevent the possibility of any allusion to religious subjects during the ordinary hours of instruction; but they felt also that the desire of the country would not be met if religious instruction might be spread all over the ordinary hours of teaching. In Ireland, originally, religious instruction was allowed to be given at any time before or after the ordinary school business; but, at the request of the Roman Catholics, that was altered, and to meet special requirements religious instruction or exercises were allowed at not more than one intermediate time, between the commencement and close of the school business. In New South Wales, where a Conscience Clause was tried, they were obliged to provide that the secular instruction should be consecutive. He was as anxious as anyone that all the existing, and not only the existing, but other voluntary schools should be thoroughly incorporated in the national system, and accepted by the public generally as part of the public system of schools. In order to provide for that care should be taken that the Bill contained no provision which would run counter to any strong principle in the public mind. For instance, the feeling in favour of compulsion was growing apace, and in all probability compulsion would be accepted throughout the kingdom in a comparatively short time; it was, therefore, advisable to provide that in case a child was compelled to attend school it could not be said that child was also compelled to accept religious instruction not approved by its parents. He thought that hon. Gentlemen who were anxious for religious education in the country would feel with him how necessary it was that they should remove any cause of offence or objections in the minds of the working classes. For the sake of clearness in respect of existing schools he was very anxious this concession should be made, and also to insure, in the interest of those who were more particularly anxious about secular instruction, that it should be continuous and not split up by religious teaching.

Mr. BERESFORD HOPE observed, that the right hon. Gentleman's argument was founded on the fallacy that the circumstances and convenience of all localities were similar; but in some places it would be deemed most inconvenient that religious instruction should be imparted when the children were either thinking of dinner or drowsy from the effect of it, or that it should be given at a time when the children came dawdling into the school behind time. In the interest of those who would prefer other times than those named in the Bill he asked for a wider margin.

Mr. HIBBERT said, he preferred regulating the hours of religious teaching by the question, how can the secular instruction be best given? The Government were to contribute 50 per cent of the expense, and he thought he had a right to know when the secular education should be given. On this ground he thought there was a serious objection to the Amendment. As far as his experience of schoools went there would not be the least difficulty in working the Conscience Clause as it stood in the Bill.

Sir CHARLES ADDERLEY said, he wished to keep to the Conscience Clause at present in force, and did not see how it could be improved by a time table. He admitted that if there were a time table a specific one ought to be mentioned in the Bill. If the element of time were eliminated it would be necessary to fall back on the existing Conscience Clause. The present system worked well, and the existing Conscience Clause, in his judgment, was better than the one proposed to be substituted for it, which would give parents the power of withdrawing their children from the school at particular times instead of withdrawing them from a particular subject.

Mr. MUNDELLA said, he hoped his hon. Friend the Member for South Durham (Mr. Pease) would not persist in his Amendment, which, if successful, would be regarded by the country as a breach of faith. It had gone forth to the country, and was believed by a very large number of nonconforming and beneficed clergy, that a Time Table Conscience Clause was to be adopted. Since March last the managers of four Church schools with which he was acquainted, and which taught upwards of 1,400 children, had adopted a Time Table Clause by way of experiment. Copies of it were sent round to the parents. It stated that religious instruction would be given at the beginning and end of the school hours. The result was that, although half the pupils were the children of Dissenters, only two persons availed themselves of the Conscience Clause. One working man stated that he had never seen a Church Catechism, and on a copy being sent to him he replied—"There are a good many things in it which I do not agree with; but you may teach my child as much of it as you like, for I will take care that it does him no harm." A poor woman expressed her opinion that her child had not received enough religious instruction, and that a little more would do him good. He sincerely hoped the Committee would not in any way alter the clause.

Mr. J. G. TALBOT said, all that hon. Gentlemen on that (the Opposition) side asked for was that when the proposed times for religious instruction were not convenient to the managers they should not be insisted on. Surely this was a demand which they were justified in urging in the name of liberty, and he thought it hard that the whole of the Liberal party in the House, with the exception of the hon. Member for South Durham (Mr. Pease), should be arrayed against it. When the hon. Member for Sheffield (Mr. Mundella) affirmed that, by assenting to this Amendment, the Committee would be departing from a covenant, he ought to have remembered that the Conservative party had made great concessions with respect to the measure. Instead of this being a Conservative Education Bill, he and many of his hon. Friends only accepted it with great reluctance, some of its provisions being opposed to their most cherished convictions. They had, indeed, made large concessions in their anxiety to promote the object aimed at by the right hon. Gentleman the Vice President of the Council—the education of the people. To say that all managers should be obliged to confine religious instruction to the end or the beginning of the school course would be an infraction of civil and religious liberty. He had not sufficient confidence in human nature to suppose that if they placed religious instruction on the one side and the charms of the playground on the other, the former would be embraced in preference by school children.

Mr. BUXTON said, it was impossible for a Conscience Time Table to be effectual unless the religious instruction were given at the beginning, not at the end of the school.

Lord ROBERT MONTAGU said, he would support the Amendment. A large majority of the House had decided that there was to be religious teaching in the schools; there must, therefore, also be an examination in religious subjects; but, according to the Bill, the examination in religious subjects was not to be conducted by the Government Inspectors. That duty would consequently devolve on the diocesan Inspectors, who, if they could only conduct the examination during the first or the last half hour, would have to remain idle during a great part of the day.

Mr. RATHBONE said, the Presbyterians were in favour of a Time Table Conscience Clause. The Report of the

Committee of the General Assembly was in favour of limiting the hours of religious teaching in schools to the beginning and end of the day.

MR. GOLDNEY said, this question ought to be looked at broadly. The general scope of the Bill was to establish rate-aided schools; but the Government had resolved to recognize voluntary schools, if they were sufficiently elastic. He had himself established Church schools in a district in which there were a great many children running wild, but in which district there was a large attendance at chapels. He had adopted almost identically the same principle as that proposed by the Government. It was arranged that religious instruction was to be given only at the commencement and end of the school hours, in the morning and evening. Many of the children were soon attracted to school, and the system worked extremely well. If a fixed time were laid down a considerable amount of discussion at the local Boards would be avoided. If the religious instruction were found to be insufficient it would be quite open to extension.

MR. GATHORNE HARDY said, he must entreat the Government to consider very carefully the course they were going to adopt with reference to the question at issue. He would remind the Committee that not a single case had been adduced in which it had been shown that oppression or interference with religious convictions had been resorted to by the managers of schools, even under the existing system. In a school of 1,400 children, the hon. Member for Sheffield (Mr. Mundella) had instanced only two cases, which really did not touch the question. He understood the right hon. Gentleman at the head of the Government to have said on a former occasion that the principle of which he was in favour was, that there should be freedom of religious instruction and liberty of withdrawal. He now asked the right hon. Gentleman to carry out that principle. We had at the present moment schools which had been brought into existence and maintained at great cost, and in which, in reference to the question of the Conscience Clause, it had been almost unanimously conceded to the managers that they should fix the time for religious teaching which might seem to them to be most appropriate to their particular schools. Now that, he contended, was a concession which it was perfectly reasonable to ask; and he would add that, instead of secular instruction being continued all day without interruption, it would be better that the teaching should not be kept in a consecutive groove. He quite concurred with the hon. Member for Leeds (Mr. Baines) in the opinion that in a great number of cases the beginning and the end of the school hours would be found to be the time most suitable for giving religious instruction; but in many instances it would be quite the contrary. The great object was to secure that the religious teaching when given should be of the best character—that it should, if possible, be given by the clergyman, and in his absence by the schoolmaster himself, and not by monitors or pupil-teachers. Now all that must be very much matter of arrangement, and it was but very little to ask that the teachers and clergymen, having reference to the Department of Education which was placed over them, they should, so long as they did not infringe on the rules laid down by that Department or the conscientious scruples of parents, be allowed to fix the time for religious instruction at the hour which was found to be most convenient. Hon. Gentlemen opposite seemed to suppose that they who sat on the Conservative side of the House, in supporting the Amendment, wished to make a mockery of the Conscience Clause which they had accepted; but that was far from being the fact. Not one instance of oppression could be pointed to in the past; and, as they had not hitherto betrayed the confidence of Parliament, he hoped their minds would not be alienated by what they would be likely to regard as a tyrannical Amendment. He believed that there would be very few withdrawals; and it was for the advantage of the children that the managers should fix the time, so that they could make the withdrawal convenient to themselves, the teachers, and the clergy of all denominations.

MR. ACLAND said, the right hon. Gentleman (Mr. Gathorne Hardy) had asked for the hundredth time that cases of abuse, if they existed, should be produced. He would, however, remind him that the whole question resolved itself into a struggle for power, and that no cases of abuse were heard of, not improbably, because the whole power was in the hands of the clergy and gentlemen who founded the schools, who took credit for the long silence, because the poor people said nothing on the subject. For his own part, he had endeavoured to induce the Church to yield the point for a considerable time. He had, he might add, been appealed to by a Baptist in a small country town with which he was acquainted, who stated that some children who went for admission to the only day school of the place, a Church of England school, were required to pay double fees or to be baptized. The result was, that the children were not admitted to the school because they could not, as Baptists, conscientiously consent to baptism. There were many cases, he believed, of that kind.

MR. J. HOWARD said, in answer to the challenge thrown out by the right hon. Gentleman opposite (Mr. Gathorne Hardy), he could state that in one village in his neighbourhood the children of Dissenters who attended the Church of England school were called upon to pay double fees. If this Amendment were agreed to it would not last for 12 months, and it would be no settlement of the question at all.

MR. W. E. FORSTER said, he hoped the Committee would not go into particular cases. It was possible to quote many of them; but they almost all applied to particular religious observances outside the schools, like those which had been mentioned, or to the attendance of children at the Sunday schools. They were all agreed that it was necessary to give some protection to the parents. He did not complain of this point being raised, and he was sure that the conduct of hon. Gentlemen on the opposite side had evinced an earnest desire for the settlement of the question during the present Session, and that they really felt the objection they now urged. He could, however, honestly say that, looking at the whole question from both points of view, he was convinced that it was for the interest of the existing schools to adopt the clause as it stood.

MR. DIXON said, he must protest against the notion that silence proceeded from an inability to mention instances of the nature alluded to. He knew of one case, but after the appeal just made he would not quote the particulars, in which a man who wrote complaining of oppression, begged that his name might not be made public, for fear of the consequences which might ensue to himself. There were a great number of cases in which silence was solely attributable to fear.

Question put, "That the words 'either at the beginning or at the end, or at the beginning and the end of' stand part of the Clause."

The Committee *divided:* — Ayes 222; Noes 122: Majority 100.

MR. ANDERSON said, he would propose, as an Amendment, in page 3, line 14, to leave out "such meeting," and insert "the daily school course." He believed that two services a day would meet all cases, and that there was an intention, under the words of the clause as they stood, to defeat the object of the Conscience Clause by giving religious instruction in the middle of the day.

MR. W. E. FORSTER said, he hoped the Amendment would not be pressed. How would it operate under the half-time system?

Amendment, by leave, *withdrawn.*

LORD FREDERICK CAVENDISH moved an Amendment to the effect that the words requiring the time table to be approved by the Education Department should be omitted. He supposed the object was to secure that sufficient time should be devoted to secular instruction, and he wished to ask the right hon. Gentleman the Vice President of the Council whether the security could not be taken in another way, for managers objected to be controlled in such a matter, and objected to the correspondence which the provision would involve?

MR. COLLINS said, he presumed that that security was obtained indirectly by requiring children to pass a certain standard in secular subjects, so that the matter might be left to the pecuniary interests of managers.

MR. W. E. FORSTER said, the hon. Member (Mr. Collins) had practically answered the question of the noble Lord, but at present, under the Code, it was required that each attendance, in a morning and an afternoon, should be for two hours; and it would now be probably necessary to say that that two hours should be devoted to secular teaching.

Lord FREDERICK CAVENDISH said, that what he objected to was that the time table should have to be approved by the Department.

Mr. ACLAND said, now that the period for religious instruction had been fixed, he thought that, within the limits prescribed, the rest might be left to the discretion of managers.

Mr. AUBERON HERBERT said, he hoped the right hon. Gentleman would not consent to the omission of the words requiring the approval of the Department. It was important to do nothing to diminish public confidence in the Conscience Clause; and if there was an honest intention to give a full measure of secular education, and not to abuse the Conscience Clause, there was no reason why managers should not send their time table to be approved by the Department.

Mr. CANDLISH said, if the Amendment were agreed to it would be open to managers to make the proportions of religious and secular instruction just what they liked.

Mr. COWPER-TEMPLE said, he thought it would be better to leave the matter to the discretion of masters and managers.

Mr. W. E. FORSTER said, that although his noble Friend (Lord Frederick Cavendish) had held out a bribe to him, inasmuch as the examination of the time tables would involve great additional labour at the Privy Council Office, yet he thought it would be better to retain the words. If he were to assent to the Amendment, he must afterwards propose to fix a certain minimum time for secular instruction. He preferred the provision in the Bill; but if the noble Lord proposed his Amendment on the Report, there would then be an opportunity for reconsidering the matter.

Amendment, by leave, *withdrawn.*

Dr. BREWER said, he would beg to move, in page 3, sub-Section 2, line 18, to leave out all after "room," to end of sub-section, and insert—

"And no scholar shall be privileged to attend the instruction in religious subjects or any religious service held within school hours except at the request of the parents or guardians of such child, such request to be conveyed to the managers or school teachers in the following form:—I, A. B. [parent or guardian], hereby request that C. D., now a scholar in [designate the school], may be admitted into the class for religious instruction, and may attend the religious service conducted in the said school [here state at what time and by whom].

Signed A. B.

Name of school.

Date of application."

The object of the Amendment was to obviate the objection urged to every Conscience Clause—that it placed in an invidious position the child whose parent withdrew him from the duty or privilege common to all of attending religious instruction, and that it took from the parents the natural responsibility in the matter of the religious education of their children.

Mr. W. E. FORSTER said, he hoped the hon. Member (Dr. Brewer) would not press his Amendment. Under the Conscience Clause, as it originally stood, a written notice was required; but a good deal of objection was made to a notice. The great advantage of the Time Table Conscience Clause was, that it would be self-working, and would require neither notice on the one side nor claim on the other. He thought that would be best both for the schoolmaster and parent. It would also prevent a good deal of denominational canvassing. He was perfectly sure his hon. Friend had brought forward the Amendment in the interest of religious teaching, but he could not but think it would be disadvantageous to it.

Mr. FAWCETT said, he thought the Amendment involved an important principle, and would do a great deal to secure religious liberty, especially in rural districts.

Mr. COLLINS said, that the religious difficulty existed only in the minds of theorists, not of practical men. He hoped the Committee would not listen to the Amendment.

Mr. ILLINGWORTH said, he was of opinion that no child should be placed under religious instruction without the previous assent of his parents.

Mr. DENT said, that if the schoolmaster were required to go about to get the parents of children to sign a requisition a great portion of his time would be wasted in so doing.

Amendment *negatived.*

Mr. DIXON moved an Amendment to render the meaning of the clause more clear. He proposed to insert the words "the school during" in line 19, and then the clause would stand thus—

"And any scholar may be withdrawn by her or his parent from 'the school during' such observance or instruction, without forfeiting any of the other benefits of the school."

His object was to carry out what he had always understood to be the intention of the Government, and the interpretation usually put on the statement of the Prime Minister on the second reading. Unless this were done the Time Table Conscience Clause would not be self-working.

Amendment proposed, in line 19, after the word "from," to insert the words "the school during."—(*Mr. Dixon.*)

MR. W. E. FORSTER said, he hoped the Committee would keep the clause as it was. It had been drawn with very great care and thought, and the object was to meet what he considered the real wish of the Committee—that whoever objected to his child's religious instruction or presence at religious observance should be able, without forfeiting any other benefits of the school, to withdraw his child from that instruction or observance. The hon. Member for Birmingham (Mr. Dixon) seemed to have put the same construction on the Time Table Conscience Clause as his (Mr. W. E. Forster's) son, who said—"Oh, I wish we had that at Rugby! Would not we all turn Dissenters and cut first lesson?" That was not the intention of the Government. It was not desired to break into the discipline of the schools. [MR. HORSMAN said, he wished to know where the children would be withdrawn to for secular instruction?] He could not positively say where they would be withdrawn to, for the reason that he did not know the circumstances of every school in the kingdom. In most schools—certainly in most Government schools, there were class-rooms, and wherever there was a class-room it would be perfectly easy to put the child to secular instruction during the time set apart for religious instruction. Where these were not, the matter must be left to the managers to make the best arrangements to carry out the intentions of Parliament under the supervision of the Government Inspectors. He saw no reason why the child should have less teaching than the other children because his parents objected to his receiving religious instruction.

MR. W. H. SMITH said, being quite satisfied with the explanation of the right hon. Gentleman, he would not press the Amendment he had upon the Paper bearing on this subject, the only object of which was that the discipline of the school should not be interfered with.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 35; Noes 379: Majority 344.

MR. DICKINSON said, he would beg to move, in page 3, line 21, after sub-Section 2, to insert the following sub-sections:—

"3. That it be not incumbent to teach some religious catechism or religious formulary in such school.

"4. That no person be or be disqualified from being a manager or teacher of such school by reason of belonging or not belonging to some religious denomination, or holding or not holding some office.

"5. That no person other than the teacher shall have any superintendence or authority in such school, unless authorized by the managers."

He wished to abolish tests as regarded these schools, which ought to be, not the minister's or the clergymen's schools, but the parish schools.

MR. W. E. FORSTER said, the Amendment was unnecessary. Purely secular schools were already admitted under the Bill, just the same as denominational schools which accepted the conditions of no denominational inspection and a Time Table Clause. If it was meant that it should be a condition of aiding public elementary schools that no catechism was to be taught in them, the Committee would hardly agree to such a proposal.

Amendment, by leave, *withdrawn.*

MR. DIXON moved an Amendment, providing that "the religious instruction shall not be given in a room where secular instruction is being carried on." In large schools there would be more than one room, so that the Amendment could be easily carried out. But what he wanted to meet was the case of the small schools, where there was only one schoolroom, and where if the religious and secular instructions were to be carried on together there would necessarily be some confusion. He wished in such schools to prevent those children who wished to avoid the religious instruction from hearing and taking any part in it.

Sir ROUNDELL PALMER said, one would suppose the hon. Member (Mr. Dixon) had never been to school. If he had been, his experience would probably coincide with his, that different classes might be going on in different parts of a room at the same time; and did the hon. Member suppose that children who were being taught, for instance, writing or sums, were so very anxious to imbibe some other lesson that, instead of attending to the things which they had been set to learn, they would keep their minds and ears and eyes open for other subjects?

Mr. COLLINS said, he must object to such points being raised without Notice, and he would suggest to the hon. Member (Mr. Dixon) to withdraw his Amendment, and bring it up on the Report.

Mr. W. E. FORSTER said, on the part of the Government, he could not accept the Amendment. It would, he thought, be absurd to lay down the rule that, however large a room might be, secular and religious teaching might not be carried on in different portions of it at the same time. He must again entreat the hon. Member to repose some confidence in the Inspectors, as well as in the good feeling of those connected with the schools, to see that the conditions of the Government Grant were complied with.

Mr. DIXON contended that one set of children might be in one corner of a room engaged in writing, and that religious instruction might be given within a few feet of them, so that they would hear everything that was said.

Mr. WHALLEY said, the hon. and learned Member for Richmond (Sir Roundell Palmer) had asked what possible harm could come from religious instruction being carried on in the schools, considering that the children would not understand what they overheard, and consequently could not carry it away. But it had been found in this country, and in other countries, that the teaching of religion was inconsistent with education in the proper sense of the word. The professors of religion, as distinguished from religious people, had always maintained that their interests were inconsistent with education. The Roman Catholics, for instance, endeavoured, as far as possible, to prevent the minds of children from being so enlarged upon secular subjects as to reject the teaching of the Church on religious subjects.

Amendment, by leave, *withdrawn.*

Lord ROBERT MONTAGU said, that it was important for the Committee to bear in mind that denominational inspection did not mean inspection in the religious teaching. Newspaper writers had laboured hard of late in spreading this confusion of terms. The next sentence in the clause of the Bill proved that they were two distinct things, for after abolishing denominational inspection it went on to enact that there should also be no inquiry into religious instruction. The latter he did not wish to retain; the former he desired to preserve. The cardinal rule of the Privy Council, passed on September 24, 1839, was that the Government Inspectors should not interfere with religious instruction; they only examined in secular subjects on the part of the State. This was still the rule; as might be seen by Clause 14 of the Revised Code, and by the "Instructions to Inspectors upon their appointment." In 1844, however, as the result of a good deal of correpondence, they were allowed to examine Church schools in the Bible, the Liturgy, and the Catechism; but they did so not on the part of the State, but for the Archbishops. That had been fully explained by the present Chancellor of the Exchequer in 1862, when he introduced the Revised Code. What was the force of the words in the Bill which he proposed to limit? The Bill would allow the Queen's appointment of Inspectors to be absolute and unfettered by the vetoes of the various religious bodies. In other words, the Bill made the will of the Education Department become omnipotent. As the result of a solemn compact, after the severe controversy on the Management Clauses, the denominations were allowed a veto on the appointment of the Inspectors who were to examine in their schools; and this right was embodied in the trust deed of each school. But, according to the Bill, this compact was departed from, and thePrivy Council would have a right to send down a Roman Catholic to inspect the Protestant schools and a Protestant to inspect the Roman Catholic schools. Why was the denominational inspection done away with? Why was the national faith to be broken? Why were these concordats to be forgotten? Why were 16,000 trust deeds to be set at nought by the absolute fiat of the State? The Vice President said, in introducing the Bill, that it was done in order to prevent the Inspectors from crossing each other's paths. This was, therefore, a question of money. Let the Committee see how large a question it was; let them consider for what saving they were asked to break faith. An Inspector's salary rose to £600 a year; and he got £250 of "personal allowances," which covered travelling expenses. No reduction could be made for existing Inspectors; but what would be the ultimate saving? These personal allowances amounted to £6,468 a year. There were 73 Inspectors —of whom 11 were Scotch, and one was both Scotch and English. The travelling expenses of the 62 English Inspectors amounted to £5,494. Now, of these 62 Inspectors, 48 were Inspectors of English Church schools, and their districts did not overlap; 11 were lay, and 3 were Roman Catholic Inspectors. The districts of these 14 were those which overlapped. Now, if the expenses of these were reduced by one half (which would not be the case), the saving effected by the change would amount to no more than £620 a year. For this sum they were to break all the solemn concordats and override the trust deeds of 16,000 schools. He should, therefore, move, in line 21, after "Inspectors," to insert, "appointed in accordance with the Orders in Council at present in force in that respect."

Mr. W. E. FORSTER said, he did not consider this clause a violation of the compact referred to. It did not follow that the conditions made with the various denominations were conditions which were always to remain. It was a mistake to suppose that the trust deeds required denominational inspection. Opinions varied from time to time, and certainly many acceptors of the grant were now strongly of opinion that it was an advantage not to have this denominational inspection any longer. The change involved not only the saving of money, but another and greater advantage in the shape of a much better organization of the work of inspection.

Mr. J. G. TALBOT said, it was only human nature that teachers should neglect a subject on which their pupils were not be examined.

Amendment *negatived.*

Mr. M'ARTHUR said, that as the clause stood it was open to any Inspector voluntarily to examine in religion, or to accept an invitation to do so. He (Mr. M'Arthur) desired their examinations should be confined to secular subjects, and he would move in page 3, sub-Section 3, line 22, to leave out "it shall be no part of the duties of such Inspector to," and insert, "no such Inspector shall."

Mr. W. E. FORSTER said, the words of the Bill and those of the Amendment practically came to the same thing, for it might be taken for granted that a Government official would not do that which it was declared was no part of his duty. At the present time it was the duty of a Church of England Inspector to examine in religion. The words of the clause were not so arbitrary as those of the Amendment, which he hoped would not be passed.

Lord ROBERT MONTAGU said, he preferred the clause as it stood. Examination in religion, as distinct from denominational inspection, was of service to the State; in proof of which he might refer to a passage from the "Instructions to Inspectors upon the administration of the Revised Code," issued by the present Chancellor of the Exchequer when he was at the Education Department, to the effect that an examination in religious knowledge "affords the best means whereby to test what general effect their teaching had upon their minds."

Mr. DIXON said, he had heard of Inspectors undertaking examinations voluntarily.

Mr. W. E. FORSTER said, they were encouraged to avail themselves of opportunities of examining schools which, although they did not receive aid, had yet received building grants. This was not a matter which the Government would be pertinacious about; but, as a matter of courtesy to the Inspectors, he trusted his hon. Friend would withdraw his Amendment.

Mr. J. HOWARD said, that the terms of the clause, while apparently in the imperative mood, were really permissive. He had certainly understood that there was to be no examination by the State into the religious instruction. If, as he hoped, it were intended to preclude examination, it would be better to adopt the Amendment. If there was so little difference between them he hoped the Government would give way.

**Mr. GLADSTONE** said, the Amendment would preclude an Inspector, in his own holidays, from examining a school in his personal capacity on the invitation of a friend. The words of the clause, which were adequate for their purpose, were only intended to apply to that portion of an Inspector's time during which he was acting as a public servant. He was sure they would not wish to employ words which would amount to an invasion of private liberty.

**Mr. MIALL** said, there was no doubt the House intended that there should be no examination or inspection of religious instruction; and he was sure that Dissenters generally had been reconciled to the Bill, so far as they were reconciled to it, by that consideration. Surely, therefore, an Inspector, in his capacity of Inspector, should be prevented by clear words from doing that which the House did not intend him to do.

**Mr. W. E. FORSTER** said, he would suggest that the following words should be substituted for those proposed by the hon. Member for Lambeth (Mr. M'Arthur)—"and no such Inspector shall as part of his duty," &c.

**Mr. COLLINS** said, he hoped the hon. Member for Lambeth would be content with the suggestion of the Vice President of the Council.

**Mr. REED** said, the words proposed by the right hon. Gentleman (Mr. Forster) seemed to create a greater difficulty than the words in the Bill. The Government had stated most distinctly that the Inspector shall not in any sense make any examination into the religious instruction, and if they meant that the strongest words ought to be used.

**Mr. AUBERON HERBERT** said, he thought the introduction of the words "on the occasion of his official visit," would be better.

**Mr. M'ARTHUR** said, he would withdraw his Amendment, and propose, instead, the words, "and no such Inspector shall in his official capacity," &c.

Amendment *withdrawn:* the Amendment to add the words—"and no such Inspector shall in his official capacity," *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

House adjourned at a quarter after One o'clock.

*Mr. J. Howard*

## HOUSE OF LORDS,

*Tuesday, 28th June, 1870.*

MINUTES.]—Public Bills—*First Reading*—Sligo and Cashel Disfranchisement (167).
*Committee*—Irish Land (122-168).
*Third Reading*—Turnpike Trusts Arrangements* (132), and *passed.*

### IRISH LAND BILL—(No. 122.)

(*The Earl Granville*)

COMMITTEE.

House again in Committee (according to Order).

### Part I.—Law of Compensation to Tenants.

Clauses 1 to 12—*Claim to Compensation.*

**Earl FORTESCUE** moved to insert a new clause after Clause 9. The latter clause enabled a landlord to resume occupation, if the Court deemed it reasonable, of land not exceeding the 25th part of a holding, for the erection of labourers' cottages. His proposed clause was a proper pendant to this, for it enabled a landlord to resume occupation of land not exceeding half an acre or one-tenth of a holding, if required for the site of a school, place of worship, court-house, police-barrack, or public building, the same precautions being taken against an unreasonable or malicious exercise of the right. Unfortunately, neither Protestants nor Roman Catholics were always disposed to afford facilities for each other's schools or churches, and the clause would give the landlord an advantageous power.

*Moved,* after Clause 9. insert the following Clause:—

("Any landlord may after six months' notice in writing to be served upon the tenant, or left at his house, resume possession from a yearly tenant of so much land (not to exceed in the whole half an acre, or in any case one tenth part of the holding of any one tenant,) as he may bonâ fide require for a site for a school, church, chapel, or place of religious worship, or for a courthouse, police barrack, or building to be used for any such public purpose; and such resumption of land shall not, unless the Court shall be of opinion that the same was unreasonable, be deemed a disturbance of the tenant within the meaning of this Act, and shall not subject the landlord to any claim for compensation, except in respect of improvements, beyond an abatement of rent equivalent to the value of the land taken; provided, that in estimating the value of land so taken due regard shall be had to the situation of such land and to the general circumstances of and mode of husbandry practised on the holding.")—(*The Earl Fortescue.*)

THE EARL OF LEITRIM objected to the noble Earl's clause.

THE EARL OF CLANCARTY supported the clause, which he thought a very valuable one.

EARL GRANVILLE said, the proposition had been very much discussed in the House of Commons, and decided in the negative, and he hoped it would not be pressed on the present occasion.

THE EARL OF BANDON deemed it very desirable to give the landlord power of taking up land for purposes of public utility.

On Question, Whether to insert the said Clause? *Resolved* in the *Negative.*

Clause 10 (Derivative title of tenant).

Amendment *moved,* line 8, leave out from ("holding") to ("assignment") in line 32, and insert ("with the consent of his landlord in writing").—(*The Earl of Leitrim.*)

LORD CAIRNS pointed out that the clause gave no power to assign, nor prohibited it, but simply defined succession.

Amendment (by Leave of the House) *withdrawn.*

Clause, amended, and *agreed to.*

Clause 11 (Partial exemption of certain tenancies).

Amendment *moved,* line 37, after ("holding") insert ("or holdings held under one landlord").—(*The Earl of Limerick.*)

LORD CAIRNS, in support of the Amendment, suggested a case where a tenant with a holding of £30 or £40 under one landlord, and an adjoining holding of several hundred pounds' rental under another wished, in anticipation of the passing of the Bill, to make an agreement with the former, but could not do so as he did not come under the clause as it stood. The aggregate value of a tenant's holdings should surely be the criterion, for it was immaterial whether there was one holding or several.

EARL GRANVILLE said, he would consider the point before the Report.

Amendment (by Leave of the House) *withdrawn.*

Clause *agreed to.*

Clause 12 (Exemption of certain lands).

Amendment *moved,* after the words ("purposes of pasture") insert ("or meadow, being of permanent grasses").—(*The Lord Dunsany.*)

LORD DUFFERIN urged that there was a distinction between pasture and meadow, the latter being highly cultivated, while it was not usual to apply manure, or exercise works of cultivation with regard to the latter, which were always exempted under the clause.

THE DUKE OF RICHMOND hoped the noble Lord did not himself act on his dictum that manure was not applied to pasture.

LORD DUFFERIN had not meant to say that operations were not performed on permanent pastures, but that there was a difference in the nature and extent of the operations on pasture and those on meadow land.

THE DUKE OF RICHMOND admitted that the noble Lord's second argument was much better than the first, and saw no reason for adding the words proposed, which related to demesne lands and town parks.

THE EARL OF LEITRIM thought the noble Duke was quite wrong.

THE EARL OF CLANCARTY, though approving the Amendment, hoped it would not be pressed, seeing that it had no chance of success.

Amendment (by Leave of the House) *withdrawn.*

LORD CLONCURRY proposed to insert, line 17, after ("resides") a Proviso—

("No tenant shall at any time break up or convert into tillage, without the previous consent in writing of the landlord, any lands which were so used at the time of the pasing of this Act.")

The prosperity of Ireland largely depended on its live stock; but the clause as it stood would be a direct inducement to the tenant to convert pasture into arable land, as he would thus secure compensation under Clause 3.

THE EARL OF KIMBERLEY contended that the Amendment adopted last night, prohibiting a tenant from breaking up pasture without the landlord's consent, sufficiently met the case. The Amendment, moreover, was quite inapplicable to the present clause.

LORD CAIRNS remarked that last night's Amendment provided that nothing in the Act should authorize a tenant to break up pasture without his landlord's consent. It did not in terms prohibit it, and the point certainly required consideration.

THE EARL OF KIMBERLEY objected to the introduction of a general prohibition applicable to holdings where no prohibition at present existed.

EARL GREY urged that a tenant might in this way inflict an injury which it would take many years to retrieve. He suggested that the Government should undertake to consider before the Report whether there was sufficient protection to the landlord.

LORD CAIRNS suggested that the clause might read—"any holding let to be used"—instead of—"any holding used"—wholly or mainly for the purpose of pasture.

EARL GRANVILLE accepted the alternative.

Amendment (by Leave of the House) *withdrawn.*

LORD DUNSANY complained of the obscurity of the Proviso, that—

> "Nothing herein contained shall prevent the tenant of any such holding making any claim which he would otherwise be entitled to make under Sections 4, 5, and 6 of this Act."

He proposed to restore it to its original meaning by providing that the tenants of such lands should not be entitled to compensation for disturbance unless they were entitled thereto before the passing of the Act.

THE EARL OF KIMBERLEY explained that the intention was to exclude compensation for disturbance in the case of demesne lands, parks, and pasture except under Clauses 4, 5, and 6.

LORD DUNSANY thought it unjust that he should have to pay compensation for improvements which he should probably get rid of as soon as he could.

LORD DUFFERIN thought that compensation ought not to be barred in cases where absentee landlords intentionally let out their demesne land or parks for agricultural operations.

THE EARL OF KIMBERLEY pointed out that a considerable sum might have been expended in drainage, roads, and fences on such land, or have been paid to the outgoing tenant with the landlord's sanction. Compensation surely ought to be given for such an outlay.

THE EARL OF LEITRIM objected to the clause as encouraging absenteeism.

THE DUKE OF RICHMOND did not see that it would either encourage or discourage absenteeism. If it was the practice in Ireland to let parks for agricultural purposes, the tenant ought, according to the principle of the Bill, to be entitled to compensation for his outlay. He should accept the Proviso as it stood.

THE EARL OF LIMERICK urged the hardship of imposing the payment of compensation on a landlord who wished to enter into possession of his demesne.

LORD CAIRNS reminded the noble Earl that Clause 31 excepted mansions and demesne lands from the leasing powers of limited owners.

LORD PENZANCE thought the clause was badly drawn, but held that demesne lands, being capable of improvement, came within the general principle of compensation for improvements. The Amendment would unfairly exclude a certain class of tenants from rights which they ought to enjoy in common with others.

Amendment *negatived.*

THE EARL OF COURTOWN said, that paragraph 2 exempted

> "Any holding which a tenant holds by reason of his being a hired labourer or hired servant of the landlord."

He proposed to add these additional words—

> "Or as permissive occupant or caretaker; or any cottier tenancy within the meaning of the Landlord and Tenant Law Amendment (Ireland) Act, 1860."

Caretakers, though not so numerous as formerly, were still numerous, poor persons being placed in this position from charitable motives. Sometimes, he was sorry to say, they made an unworthy return, and occasionally they converted their holdings into freeholds. Unless they were debarred from compensation an unfair advantage might be taken of the landlord's kindness. As to cottiers, he feared that the Bill would unintentionally upset the Act of 1860, which had led to the building of many cottages; for the great majority of cottage holdings might be brought under the operation of the Bill, thus preventing landlords, through motives of prudence, from encouraging such holdings.

THE EARL OF KIMBERLEY said, that the case put by the noble Earl was fully met by the 4th sub-section of the clause, which exempted a holding expressed in the document to be let for the "temporary convenience" of the landlord.

VISCOUNT LIFFORD suggested that the words "of the landlord" should be omitted from sub-section 2.

THE EARL OF KIMBERLEY was willing to take the suggestion of the noble Lord into consideration, and to postpone his decision upon the point until the bringing up of the Report.

Amendment *negatived.*

THE EARL OF LONGFORD said, that sub-section 4 provided that no compensation shall be payable under the preceding provisions of the Act to the tenant of

> "Any holding let and expressed in the document by which it is let to be so let for the temporary convenience or to meet a temporary necessity either of the landlord or the tenant, and the letting of which has determined by reason of the cause having ceased which gave rise to the letting."

He proposed to leave out the words "and expressed in the document by which it is let to be so let," and also all the words to the end of the clause.

EARL GRANVILLE opposed the Amendment.

Amendment *negatived.*

Amendment made, by inserting sub-section "(5.) Any cottage allotment not exceeding a quarter of an acre."

LORD DUNSANY moved to insert after Clause 12 a new clause—

> "In all tenancies where there is any reservation to the landlord of buildings, timber, hedgerows, or fences, or any covenant on the part either of the landlord or tenant to keep the same in repair, such reservation of covenant shall be held to imply a right on the part of the landlord, or his authorized agent, to enter upon the land and premises demised at all reasonable times in order to ascertain whether any waste or damage has been committed, and whether the covenants aforesaid have been observed by the tenant."

The object of the clause was to give to the landlord a reasonable power which the altered state of the law denied him—namely, to go over his land, in order to ascertain whether the tenant complied with the terms of his covenant. Ordinarily, the landlord might use his discretion in rejecting the tenant at the termination of the lease; but now that the latter was to be rooted in the soil, the former was not permitted to exercise that discretion. The clause would not prejudice the tenant in any way whatever, and he hoped, therefore, the Government would accept it.

EARL GRANVILLE thought there was no occasion for the clause. If a right of entry was thought desirable it could be the subject of agreement.

THE DUKE OF MANCHESTER supported the Amendment.

LORD CAIRNS said, he had frequently felt it necessary to protest against provisions in this Bill on the ground that they interfered with existing agreements. On the same principle he must dissent from this Amendment.

EARL GREY suggested that the principle of the Amendment might be adopted in the case of yearly tenancies. At present if a yearly tenant refused to allow his landlord to enter for the purposes stated in the Amendment, the latter might put an end to the tenancy. When this Bill became law he could not do so without paying compensation.

EARL GRANVILLE thought that the point raised by his noble Friend (Earl Grey) was of considerable importance, and therefore the Government would consider the question of adopting the Amendment in the case of yearly tenancies.

LORD DUNSANY urged on the Government to consider whether it ought not to be adopted in the case of tenancies on lease also?

THE EARL OF MALMESBURY said, he could not see what reasonable objection there could be to requiring Irish landlords and tenants to follow those regulations in respect to this matter which had been followed in this country with advantage. In this country the landlord always reserved a right of entry to see that the covenants of the lease were duly carried out.

LORD PENZANCE said, he hoped their Lordships would not be induced to alter existing contracts made by lease between the parties in this particular. In the case of tenancies from year to year, when the indirect power which the landlord possessed by means of eviction to go upon the land to ascertain whether there had been any breaches of covenant was about to be taken away, it might be desirable to provide some substitute for it; but in regard to leases the case was wholly different, because there the parties had either entered into a covenant to allow this thing to be done or they had not; and if they had not it would be a strong course for their Lordships to alter the terms of the contract. Those landlords who had secured to themselves by covenant the power of entry would retain that power, and those who had not so secured it at the proper time ought not to have it as against the tenant.

Earl GRANVILLE repeated his promise that, as far as regarded yearly tenancies, the point would be considered by the Government before the Report was brought up.

Amendment *negatived.*

Lord VAUX of HARROWDEN moved, after Clause 12, to insert the following clause:—

"No compensation shall be payable under the preceding provisions of this Act to any tenant who is disturbed in his holding by the act of his landlord in case such landlord shall *bonâ fide* provide and offer to such tenant another holding which in the opinion of the Court shall be equal in extent, accommodation, and value to the holding in which he shall be so disturbed."

He thought some such provision would be highly beneficial as regarded the interest both of landlord and tenant, and with a view to the improvement of estates. It would be better to give the small tenant who was disturbed a good holding in place of the bad one from which he was evicted than to give him a small sum of money in the shape of compensation, which it was to be feared would soon be all spent. It might be said that this exchange of holdings might be effected by arrangement between landlord and tenant; but they all knew the difficulty of inducing very small tenants to give up hovels and holdings that were unfit for human occupation, and that difficulty would be much increased when the tenant became entitled, if removed, to a certain sum as compensation.

Earl GRANVILLE said, he could not assent to this new clause. One of the reasons rendering the introduction of the Bill necessary was the passionate attachment felt by the Irish tenant to that part of the country in which he was born, and where his friends and his kindred lived. But, according to the noble Lord's proposal, it would be quite possible to remove a tenant from a holding in the South of Ireland, where all his friends and relations lived, and transfer him to any other part of that country—or, indeed, of the world. Moreover, as he read the proposal, it would affect the tenant's claim — compensation for improvements.

Lord CAIRNS said, the case contemplated by the noble Lord who proposed the Amendment was dealt with in another part of the Bill; for if a landlord were to offer a tenant in the same neighbourhood, and on the same terms, as good a farm it would be unreasonable conduct in the tenant to refuse.

Amendment *negatived.*

Clauses 13 to 17 —*Proceedings in respect of Claims.*

Clause 13 (Proceedings by tenant).

The Marquess of CLANRICARDE said, that as the clause now stood the tenant might go into Court, hear what compensation would be awarded to him for surrendering the farm voluntarily, and, if not satisfied with the decision of the Court, he might say he would withdraw his surrender and retain the farm. The landlord, in the meantime, thinking that the tenant was really going to leave, might make arrangements with some one else, and might be put to considerable trouble and expense because he could not carry out his agreement. To meet cases of hardship of this kind he begged to propose at the end of the clause to insert—

"And any notice served by a tenant to claim compensation under any of the provisions of this Act shall be deemed a notice of surrender of his holding on the part of such tenant."

The LORD CHANCELLOR was understood to say that the case referred to was already provided for by an Amendment moved by a noble Lord on the Cross Benches.

The Earl of LONGFORD supported the Amendment, on the ground that the Bill placed in the hands of the tenant a power of vexatious proceeding which it was necessary by some means to counteract. It was optional for the tenant to make his claim, and therefore the landlord should be protected from having a notice of surrender served upon him, unless it were *bonâ fide.* There could be no possible hardship in making the tenant abide by his own voluntary act.

Amendment (by Leave of the House) *withdrawn.*

Clause *agreed to.*

Clause 14 (Proceedings by landlord).

THE MARQUESS OF CLANRICARDE said, these clauses would give rise to a mass of litigation; but, in order to prevent such litigation, it would be well to require that something should be done which would show how far the landlord and tenant agreed and how far they disagreed before they went into Court. That might give some chance, he feared a very feeble one, that they would not go into Court. He would, therefore, move, in page 10, line 5, after the word "latter," to insert the following words:—

"Specifying the portion with his reason for disputing the same; and in case the landlord shall claim any allowances or deductions by way of set-off, or otherwise, he shall specify the same, and be at liberty to strike a balance and offer to pay the same."

LORD O'HAGAN said, the matter was otherwise provided for.

LORD CAIRNS said, his noble Friend near him (the Duke of Richmond) proposed to add some words at the end of the clause which would provide for the object the noble Marquess had in view.

EARL GRANVILLE said, there would be no objection to the Amendment of the noble Duke.

Amendment (by Leave of the House) *withdrawn.*

An Amendment by adding at end of clause—

"Unless within the time, and in the manner prescribed in that behalf, such dispute shall have been settled between the landlord and tenant."—(*The Duke of Richmond.*)

Clause, as amended, *agreed to.*

VISCOUNT MONCK moved a new clause to follow Clause 14. As the Bill stood, if there was a desire to make an alteration in the terms of the tenancy, supposing the landlord and tenant did not come to an amicable agreement, the only way the landlord had of enforcing his wishes was to serve the tenant with notice to quit. The notice must run for a year before it could be acted upon in any way; and during the whole of that time the landlord and tenant would be, so to speak, at arm's length, the landlord appearing to wish to evict his tenant, while in actual fact he only sought to effect a re-arrangement of his estate —probably without intending the "disturbance" of a single tenant. He wished to do away with the necessity for this long lapse of time by providing that, before a landlord served a tenant with notice to quit, he should give him to understand the new terms he desired to introduce into the agreement between them; and, in the event of the tenant refusing to accept the terms, he proposed that the Court should be empowered summarily to decide whether the terms offered were reasonable. When the Court had so decided, the landlord would have to pay compensation if he proceeded to evict; and, on the other hand, the tenant, if he refused to accept the decision, would be liable to eviction without compensation. He might be told that his clause would introduce the principle of valuation of land by the Court; but his reply was that under Clause 15 the Court would conduct the valuation, but at a later period in the history of the complete transaction than he proposed. All he wanted was that the Court should be empowered to do in the first instance what it would be obliged to do in the last; and he thought this could be done without interfering with any vital principle of the measure by adopting his proposal.

*Moved,* after Clause 14, to insert new Clause—

"Any landlord who desires to alter the conditions upon which his holding is occupied by a tenant entitled under this Act to make any claim in respect of any right, or for payment of any sums due to him by way of compensation for disturbance, may serve upon such tenant a notice in writing, stating the particulars in which he desires such alterations, and on receipt of such notice the tenant shall be deemed to have acquiesced in such alterations unless he shall within the prescribed time and in the prescribed manner serve a notice on the landlord stating that he refuses to assent to the whole or some portion of such alterations; and upon service of such notice by the tenant on the landlord a dispute shall be deemed to have arisen between the landlord and tenant as to the whole or some portion of such alterations; and such dispute shall be decided by the Court, unless previously settled by agreement between the landlord and tenant; and if the Court shall decide that the alterations in the conditions of the tenancy proposed by the landlord are either wholly or in part just and reasonable, and that the landlord is willing to permit the tenant to continue in occupation of his holding on such conditions; and if in consequence of the refusal of the tenant to assent to such alterations in the conditions of his tenancy, the landlord shall proceed to evict the interest of such tenant, such eviction shall not be deemed a disturbance of the tenant within the meaning of this Act, and shall not subject the landlord to any claim for compensation in respect of improvements."—(*Viscount Monck.*)

Earl DE GREY and RIPON was sorry to oppose the proposal of the noble Lord who had shown himself so strongly in favour of the principles on which the Bill before the Committee was founded; but he thought there could be no doubt that the proposal of his noble Friend would deprive the tenant of the right to notice to quit which he at present enjoyed under the law, by forcing him to come to an arrangement with his landlord as soon as the question could be brought before the Court, without the existing notice to quit on that longer term of notice proposed by the present Bill. Again, he thought the proposition was unfair to the tenants, for it stated that tenants who did not within a prescribed time make objection to the proposals of their landlords should be held to be bound by them; and all who knew anything of the poverty and ignorance of the great mass of Irish tenants must be aware that a proposal to impose upon them the necessity of taking a definite legal step ought not to be included in a measure framed in order to place them in an improved position with regard to their holdings. So far as he could agree in the wisdom of the noble Lord's proposals, he thought they would be effectually carried out by the operation of the Equities Clauses of the Bill; and, therefore, he could not agree to accept the proposed new clause.

Clause *negatived.*

The Marquess of CLANRICARDE moved to insert the following clause after Clause 14:—

"It shall be lawful for the landlord to lodge in a prescribed joint stock bank within the district of the Civil Bill Court such sum or sums as he shall so admit, or as shall be adjudged to be payable by him, for compensation to the tenant on an accountable receipt in a prescribed form, which shall be lodged and remain with an officer of the Court to be appointed for the purpose, until he shall be satisfied that the tenant has given up possession of his holding to the landlord, and thereupon such tenant shall be entitled thereto, and to receive the amount on presentation at the bank."

After a few words from Lord Cairns,

Clause *postponed.*

Clause 15 (Equities between landlord and tenant).

Amendment *moved,* line 16, omit ("or unreasonable conduct").—(*The Earl of Leitrim.*)

The Marquess of SALISBURY hoped the words would not be omitted. This was the clause which gave the Court power to consider all the surrounding circumstances; and, if their Lordships omitted these words, they would omit the sheet anchor of the Bill.

Amendment *negatived.*

Earl FORTESCUE observed, that if strict legal evidence were required upon all the points which the Court would have to try great injustice would often be inflicted. Some of his noble Friends in debate had enlarged upon the accurate accounts which either were or ought to be kept, on every estate. But the same thing might happen to others which had nearly happened to himself—namely, the destruction of papers long out of date, and apparently of no value, save as containing matters of curious information. Fortunately he had preserved the documents; but as they related to transactions that occurred long previous to his father's succession to the title, there was nothing to lead to the supposition that they were ever likely to be of importance. The agent, however, in whose handwriting they were, together with his clerk, had long been dead; and though he himself was well acquainted with the practice of the estate, it would be difficult for him to explain every minute circumstance connected with these accounts. A few words would show the spirit in which the Legislature regarded this matter, and he, therefore, begged to move, in line 20, after ("first") insert ("whether the evidence adduced be strictly legal evidence or not").

Amendment *negatived.*

Clause *agreed to.*

The Duke of RICHMOND moved, after Clause 15, to insert the following clause:—

"Provided always, that in every case of dispute between landlord and tenant heard before the Court the order of the Court shall be reduced into writing in the form of a decree or award (as the case may be), and shall state the items of claim allowed, that is to say, the particulars and character of loss sustained by the tenant in quitting his holding, and of the improvements and payment to his predecessor in title in respect of which compensation may have been awarded to the tenant under the third, fourth, and sixth sections, and also the particulars of any set-off, objection, default, or conduct allowed or taken into account."

THE LORD CHANCELLOR said, he thought it would be far better to leave the Court to lay down rules as to the working of the Bill in such matters.

LORD CAIRNS said, he was strongly in favour of the clause. He thought it very desirable that matters of this kind should be settled by Parliament and not left to the discretion of the Judges. Various appeals had been made elsewhere to the Government to lay down rules on which the assistant barristers should proceed, for they ought not to be allowed to throw into one lump the various matters which were submitted to them for decision. On the face of it, the award should state what points had been considered and what sum was awarded in respect of each. Indeed, he did not see how it was possible to appeal from the decision of the Court unless the grounds on which it was founded appeared on the face of the record.

LORD O'HAGAN thought it was not for Parliament to determine this matter. The mind of Parliament might be indicated, and the Court be trusted to define the way in which the award should be stated. He would, however, suggest that the noble and learned Lord's view might be met by adding the words—"Such decree or award to be made in the prescribed form."

Clause amended accordingly.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill

LORD CAIRNS moved to insert a new clause to precede Clause 16—

"Where a tenant claims the benefit of the Ulster tenant-right custom in respect of his holding, the Court shall ascertain whether he is entitled in respect of his holding to the benefit of any and which of the usages prevalent in the Province of Ulster as aforesaid, and if so, shall by its award or decree declare the same, and thereupon, subject to any variation of the decree on appeal, the usage so ascertained and declared shall be the usage applicable to the said holding."

If there was a second dispute and there was no record of the former one, there would be no trace of the decision previously given.

After short conversation, Amendment *postponed.*

Clause, as amended, *agreed to.*

Clause 17 (Restriction on eviction of tenant).

An Amendment made, to add to the Clause the following:—

("A landlord shall in all cases have the option of paying the amount of compensation due into Court; and if at any time after the making of a claim for compensation as herein-before directed, and before finally giving up possession of his holding, a tenant shall be alleged to have done any damage to his holding or the buildings thereon, the Court shall inquire into the same, and allow to the landlord out of the money paid into Court such compensation as it may deem just. In no case shall a tenant, except by special leave of the Court, be entitled to receive the money so paid into Court until he shall have given up possession of his holding").—(*The Lord Penzance.*)

LORD O'HAGAN said, the Government would be willing to accept the Amendment, but that the Civil Courts had no machinery for receiving money paid into Court as the Court of Chancery had; and the clause inserted by the Commons respecting the payment of money into Court appeared to have been adopted without due consideration.

After long conversation, in the course of which various forms were suggested, an adequate clause was framed.

Clause, as amended, *agreed to*, and *added* to the Bill.

(*Court to award Compensation.*)

Clause 18 (Court to mean Civil Bill Court, or the Court of Arbitration).

Amendment *moved*, line 21, leave out ("The Civil Bill Court") and insert ("the chairman of quarter sessions sitting in open court in the County Court House"); and line 22, leave out ("or") and insert—

("And it shall not be lawful for such Court to hear any case before ten of the clock in the forenoon or after four of the clock in the afternoon"). —(*The Earl of Leitrim.*)

Amendment *negatived.*

Clause 19 (Civil Bill Court).

Amendment *moved*, line 34, after ("judge") insert—

("Provided always, that the Judge shall himself without a jury decide any question of fact arising in any case brought before him under this Act"). —(*The Duke of Richmond.*)

After short conversation, Amendment *agreed to.*

VISCOUNT MONCK *moved*, line 8, to insert—

("The chairman, if he shall think fit, may reserve any question of law that arises at the hearing for the consideration of the Court for Land Cases Reserved at Dublin, and thereupon remit the case by way of case stated for the determination of that Court.")

He made that proposal at the suggestion of very high judicial authority in Ireland.

LORD O'HAGAN thought the Amendment would increase the expense to the parties; and, on the whole, he preferred the clause as it stood in the Bill.

Amendment *negatived.*

Clause *agreed to.*

Clause 20 (Appeal from Civil Bill Court).

THE MARQUESS OF CLANRICARDE moved, after "Lord Chancellor," to insert "the Lord Justice of Appeal" among the Judges who are to constitute the Court for Land Cases Reserved, for the purposes of this Act.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 21 (Court of Arbitration) *agreed to.*

VISCOUNT LIFFORD moved, after Clause 21, to insert—

("Nothing in this Act shall be so construed as to affect or injure the right of the landlord to accept or refuse a proposed incoming tenant").

It was with a view to prevent litigation, and to carry out what he believed to be the intention of their Lordships and of the Government, that he proposed this Amendment.

LORD DUFFERIN said, nobody would accuse him of partiality to the tenant-right custom; but he must say he could not conceive anything more unjust and unfair, or more contrary to the intentions of the Bill, or the purport of the 1st and 2nd clauses, than the proposal of the noble Lord. The question of the respective rights of landlord and tenant would be adjudicated upon by the Courts in Ireland after evidence had been taken, the whole subject thoroughly considered, and the circumstances of the case substantiated, far better than could be done by any attempt on the part of Parliament to define or regulate tenant-right in any manner whatever. If Parliament were to make any such attempt, he believed it would result in greater injury to the landlord than to the tenant.

THE EARL OF DARTREY said, he gave every credit to Her Majesty's Government for their intentions; but if they declined to accept the Amendment, or to make any provision in the Bill for the selection of tenants, it would be fixity of tenure in disguise, and the landlord would lose all power of supervision of his property. He feared litigation would be the consequence; and he trusted, therefore, his noble Friend would persevere with his Amendment.

EARL GRANVILLE said, it would be better to leave the Court to decide in each case as to the particular usage on each estate.

THE EARL OF BANDON supported the Amendment in the interest of the tenant rather than the landlord. He would repeat in that House what he had often said in the presence of his own and other tenants, that it was more a question for them than for the landlord. It would be a great disgrace, no doubt, if a bad tenant should get upon his property; but he might live at so great a distance as to suffer no inconvenience from the circumstance, while it might be a matter of the most serious inconvenience to the other tenants if one bad tenant should get into their immediate neighbourhood.

THE DUKE OF RICHMOND hoped his noble Friend would not divide; if he did, he could not go into the Lobby with him.

On Question, Whether to insert? their Lordships *divided*:—Contents 40; Not-Contents 59: Majority, 19.

*Resolved* in the *Negative.*

Clauses 22 to 27—*Powers of Limited Owners.*

Clauses 22 to 24, inclusive, *agreed to.*

Clause 24 (Power of limited owner to lease).

THE EARL OF LIMERICK proposed certain words, in order to render it perfectly clear that the Civil Bill Court must act strictly upon the provisions contained within the four corners of the Act, in confirming or refusing to confirm leases granted under the Act.

Amendment *moved,* line 32, leave out ("if it thinks just") and after ("or") insert ("if in its judgment such lease or any parts thereof are contrary to the provisions of this Act").—(*The Earl of Limerick.*)

EARL GRANVILLE thought the proposed Amendment unnecessary.

Amendment *negatived.*

Clause *agreed to.*

Clauses 25 to 27, inclusive, *agreed to.*

### PART II.—SALE OF LAND TO TENANTS.

Clauses 28 to 37.

Clauses *agreed to* without discussion.

### PART III.—ADVANCES BY AND POWERS OF BOARD.

Clauses 38 to 52.

Clauses 38 and 39 *agreed to.*

Clause 40 (Advances to tenants for purchase of holdings).

THE EARL OF COURTOWN expressed surprise that these different clauses appeared to attract so little attention. Their Lordships were sanctioning what, if it was not a revolution in the tenure of property, was certainly a very serious experiment; and he thought it desirable that some limits should be imposed on the proceeding. £20 appeared to be the very lowest amount at which the owner of property would be willing and qualified to undertake the responsibilities of a freeholder.

Amendment *moved,* page 21, line 16, after ("Act") insert—

("Provided such holding be valued under the Acts relating to valuation of rateable property in Ireland at an annual value of not less than twenty pounds").—(*The Earl of Courtown.*)

THE EARL OF KIMBERLEY said, the noble Lord could not be aware of the effect of his own proposal. Out of the 600,000 holdings in Ireland, upwards of 500,000 were under £15 in value, without counting those which were between the £15 and the £20 limit. The proposal of the noble Lord, therefore, might be regarded as a simple and expeditious mode of putting an end to that part of the Bill.

Amendment *negatived.*

EARL GREY rose to move the omission of the clause. The clause proposed that public moneys might be advanced to assist tenants in Ireland to purchase the properties which they occupied. He had no objection to tenants becoming proprietors through their own industry and energy—though he had little faith in the power of the existing race of smaller proprietors to hold their own against the competition of larger capital and larger properties; but he did object to the State coming forward as a lender of money to enable tenants to acquire the lands on which they lived. It was true that restrictions had been inserted in the clause upon subletting, dividing, or assigning the properties which the State thus assisted the tenants to purchase; but, as had been truly said, the State had no machinery whatever for carrying out these prohibitions. Even in the case of private owners, stimulated by every motive that individual interest could supply, it was extremely difficult in practice to resist that tendency to subdivide plots of land which was the strongly-marked characteristic of occupiers in Ireland; how was it, then, to be supposed that the State, which had no resident agents, would be able to enforce these prohibitions? Then, what would happen? A purchaser who owed the State two-thirds of the value of the land would very likely allow his son or his daughter to occupy a portion of that which he had purchased; the population would gradually increase, and in the course of a short time the land, in spite of the legal prohibit, would, in fact, be held by a multitude of petty occupiers, in small patches that would barely afford subsistence to those who were upon them. How was the State to obtain payment of the interest on the purchase money, and the annual instalments which would be due to it? Would it be possible in order to enforce these payments to proceed against a multitude of small occupiers in all parts of the country and to deprive them of their holdings? In the interests of the English taxpayer and of the public Exchequer he protested against this clause, which would cause the country to embark on a policy that must inevitably result in the State losing a large sum of money. Their Lordships should remember that they had had sufficient experience of the proposed system, because in the Colonies all attempts to recover the payment of small quit-rents had failed, in spite of the prosperity of the holders of the lands; and he was sure that the result in Ireland would be similar, because in bad years it would be absolutely impossible for the occupiers to meet the payments which the State would expect. He was told that it was only proposed to advance £1,000,000 for the purpose of assisting the tenants;

but the smallness of the amount asked for rather increased his objection to the clause, for if it were intended that this scheme should produce any real impression upon the condition of Ireland, and have a substantial effect on the distribution of property, the grant should have been £20,000,000 or £40,000,000. But the smallness of the proposition would lull the British taxpayer into a false sense of security; while by the clause there would be started a change which, if it became popular among the tenantry of Ireland, could not be stopped, and the £1,000,000 now granted must be followed by other and larger sums. Therefore, both on the ground of economy and for the real welfare of the people of Ireland, he protested against the proposition. This clause would tend, if it had any real operation, to bring back the dreadful state of things that existed in Ireland before 1846, when the population, which was crowded on the land, suffered frightful misery. He also objected to the clause on political grounds, and asked their Lordships whether anything could be more calculated to produce disaffection in Ireland than to constitute a large number of the proprietors of small holdings in that country debtors to the State? There was much force in the observation that the Emperor of the French had shown his sagacity by interesting a large number of his subjects in the maintenance of the existing Government by inducing them to become holders of the public funds of that country so as to give them a direct interest in securing peace and upholding the new form of government. Such a design was founded on political wisdom. But this proposition if adopted would have an exactly opposite effect, for it would cause a large number of the people of Ireland to become debtors to the State, and to feel that if they could carry any such measure as the repeal of the Union they would not only gain a political object, but would also relieve themselves from a debt which must hang like a millstone round their necks. The direct effect and tendency of the clause would therefore be both to offer a premium to political disaffection and also to increase that desire for the possession of land which was already too strong among the Irish people. By their Lordships' decision as to this clause he should be guided in his conduct as to the succeeding clauses. If this were retained it would, of course, be useless for him to move the omission of those which immediately followed it, and which were necessary for giving effect to it. He begged to move that the clause be omitted.

LORD ORANMORE AND BROWNE said, he regretted he could not on this matter agree with the arguments of the noble Earl, whose independent course in all matters relating to Ireland he had always admired—because they were not those of party. In sanctioning the second reading of this Bill, the House had, for good or for evil, confirmed the system of small tenancies in Ireland; and the question for their Lordships to discuss was, how they could best forward that state of things which was advocated by the Government measure? He objected to the British taxpayer being mentioned in the argument. The Irish people contributed their share of taxation, and they had, therefore, a right to demand that the Imperial resources should be applied to the benefit of that country. The principle of this clause had been adopted in Canada, Prince Edward's Island, and other Colonies, and had been introduced in Prussia, where it had worked extremely well, the instalments of the repayment being regularly forthcoming. This clause he looked upon as being the only honest one in the Bill, for it was just that whatever loss had arisen from the course that had been adopted towards Ireland by English legislation should fall, not upon the landlord, but upon the Imperial Exchequer. With other parts of the Bill he believed the Irish tenants would not be satisfied, for they had not petitioned in its favour. They wanted security of tenure, and in many speeches of different Members of Her Majesty's Government, they had been led to expect that they would derive some immediate and absolute gain from the Bill. Under this clause they would get it, for as they paid off the rent-charge each year they would feel that they were becoming possessors of the land. The right hon. Gentleman who proposed this part of the Bill had stated that it was the intention of Her Majesty's Government that more than one paltry million of money should be applied towards making the people of Ireland daily more contented by enabling them to become the proprietors of the soil. As the instalments were paid the security of the Government would become better and better every year; while the inducement of the tenant to continue his payments would become greater and greater, and his interest in preserving peace would correspondingly increase. With the exception of the four millions granted during the famine, every farthing that had been advanced to Ireland out of the Imperial Exchequer had been repaid. No Englishman would object to a few millions being advanced under this clause, if it would tend to the pacification and the prosperity of the Irish people. If the present great and powerful Minister at the head of affairs were to propose the advance of a large sum to purchase estates at a rate not exceeding 20 years' purchase a small proprietary would be created which would tend greatly to the stability of existing institutions; and, more than that, the Irish people would feel that this was not a case of taking money from one Irishman to give to another, as in the case of the Irish Church Bill and the other clauses of this measure, but that by this clause the Imperial credit would be used for their benefit — and that was a thing which would be appreciated. The transactions might be carried out without the loss of a single shilling to the Imperial Exchequer, while it would confer the greatest possible benefit upon Ireland by inducing a feeling of satisfaction and goodwill.

LORD DENMAN reminded their Lordships that in 1824 a proposal had been made by Colonel Maberly, in the House of Commons, for advancing £1,000,000, by way of loan, to Ireland—it was to encourage different sorts of industry, and his noble Relative had voted for that grant, but in this clause an attempt was made to enable a tenant, without capital, to farm land profitably. He knew how sanguine Irishmen were on this point. He employed on land some of an Irish family, and he knew that the wages of the whole family amounted to £4 a week (£208 a year), partly from mining and wages at a cotton mill. He had asked the head of the family how he would be able to repay a loan for the purchase of land? His answer was—"Oh, if I had but 10 acres of land I could do very well." He (Lord Denman) asked—"How would you purchase manure?" His answer was—"It costs only 2*s.* 6*d.* a load, and straw costs only £1 a ton;" but he ventured to think that the loss of the £4 a week would be severely felt, and that it was desirable that other means of profit should be discovered rather than a mere application of labour to land. He admitted that in all labour there was profit; but the low price of manure and of straw only showed the want of a good market for agricultural produce, and he hoped that some better method might be discovered for securing the prosperity of Ireland.

EARL GRANVILLE said, he could not admit in the slightest degree the assumption of the noble Earl on the Cross Benches (Earl Grey), that the proposal contained in the clause was both wrong in principle and impossible in practice. The noble Earl had divided his objections into two classes—the one economical, and the other political. In answer to the economical objections of the noble Earl, he might observe that, though various opinions upon the subject existed amongst eminent political economists, there were many who advocated the principle of the clause, and these were able to quote the experience of Belgium, Prussia, and other parts of the Continent, where, according to Arthur Young's trite saying, "the magic of prosperity had turned a desert into a garden." In any case, he thought that the experiment was worth trying. Doubtless, to obtain the greatest amount of produce from land it was best that it should be cultivated by a tenant possessing capital under a wealthy landlord; but in many cases the state of affairs did not permit that condition of things to occur in Ireland, and therefore it was necessary that the next most advantageous terms should be secured. The noble Earl had objected in the strongest manner to the advance of money by the State to the Irish tenant to enable him to purchase his holding. The noble Earl had, however, made one concession, though certainly not a great one—he said that he had no objection to the tenant buying his holding with his own money. The noble Earl grounded his objection to the advance of money out of the Imperial Exchequer to the Irish tenant, on the ground that such a course would be calculated to injure the English taxpayer; but he (Earl Granville) could not see how the English taxpayer was likely to be injured by a scheme which would result in restoring peace, order, and industry in the sister country. The noble Earl had stated that all experience showed that there was very little chance of these small peasant-proprietors repaying to the State the money they borrowed. He (Earl Granville) was of an entirely different opinion, and he was aware of an instance that supported a contrary view. In that case money had been lent to small farmers for the reclamation of bog land in Meath. The repayment was to be made in half-yearly instalments, extending over 20 years. The money had been all repaid, the last repayment having been made in 1849. That experiment, though only on a small scale, had been attended by a result which spoke strongly for the gratitude of the people. As to the political advantages of the proposal, if it should be acted on by those for whom it was intended, he agreed with the noble Marquess (the Marquess of Salisbury) who spoke on this point in the discussion on the second reading, that it would be desirable not to have a very considerable portion of the land of Ireland either in the hands of very large proprietors or in those of very small tenants. He believed it important that there should be established in Ireland such an independent class of farmers as were to be found in many counties of England; but, at the same time, he thought it would be well if they could establish there a class of small landed proprietors similar to those found thriving and respectable in many parts of Europe. The noble Earl (Earl Grey) said that in this case the Government were following an opposite principle to that adopted by the Emperor of the French, when they proposed to make a large number of small farmers borrowers from the State. He (Earl Granville) thought if they were to give a large number of persons an immediate interest in the country to which they belonged they would create a feeling of tranquillity and a disposition to support the institutions of the country, which would operate greatly in favour of peace and order. The experiment now proposed was, indeed, only on a small scale; but should the people avail themselves of it Parliament could easily extend it. Believing, as he did, that the proposition in the clause would be acceptable to the people of Ireland and to very many of the Irish landlords, he hoped their Lordships would reject the Motion of his noble Friend.

The Earl of CARNARVON said, that after looking at the clause from an economical and a political point of view he felt bound to vote in favour of the clause. He did so, however, on grounds different from those which the noble Earl had just urged. Though he thought that economically small holdings were a mistake, because they could not pay, he believed that practically they were of considerable advantage. But he drew a marked distinction between the principle of small holdings and the mode in which the Government, in the clause now before their Lordships, proposed to give it effect. It was not the poorest class of tenants who would avail themselves of the clause; but there was much reason to fear that purchases would be made by small farmers who would not have the additional capital to cultivate the land. Such persons would not only ruin themselves, but would become a burden to the State. It was a doubtful experiment to make the State a creditor, and a still more doubtful one to make the State a collector; when it might have, perhaps, to collect at the point of the bayonet, as the tithes were collected in 1836. The proposed experiment was only on a small scale; but he confessed if he were an Irish landlord, he would view it as the only compensation given him for the many sacrifices imposed by this Bill. Looking on it in that light, he did not feel at liberty to oppose the clause. Besides, much expectation had been raised in Ireland by the presence of this clause, and that being the case he did not think it would be judicious to reject it; but the Government having proposed it, to them he would leave the responsibility of carrying it out.

The Earl of FINGALL said, he had intended to say a few words on the second reading of the Bill; but, at that stage, it was received with such general favour that he thought any observations of his would be superfluous. The Bill having reached Committee, a change appeared to have come, if not over the spirit of their Lordships' House certainly over its acts. Noble Lords opposite who had received the Bill with complacency were now cutting it up in piecemeal.

The Marquess of SALISBURY rose to Order. Their Lordships were on Clause 40 of the Bill. If the noble Lord in the Chair was invested with any authority, he hoped he would keep Order.

The CHAIRMAN of COMMITTEES: The Question is—"That Clause 40 stand part of the Bill?"

The Earl of MALMESBURY said, he thought their Lordships would not grudge a little time in order that so important a clause should be fully and fairly considered. Their Lordships perhaps found it tedious work to be sitting so long over the Bill; he submitted that it was one which Irish landlords might be pardoned for wishing to have fully debated. If an Irish Parliament were discussing a Bill of this kind for England, what would be the feelings of an English landlord if an attempt were made to stop him when he rose to speak on it?

The Earl of FINGALL thanked the noble Earl for having interfered to procure him a hearing. He believed that the Bill even in the state in which it first came before their Lordships from the other House of Parliament would barely have been received as a satisfactory settlement of the land question, by those who lead and who express the feelings of the tenant class in Ireland. At the same time, he had a strong conviction that if the Bill had passed through their Lordships' House without any serious alteration, it would have been cheerfully and gratefully received, as those very leaders had already shown a disposition to come to terms, and had lowered their demands upon every fresh concession. He implored their Lordships it so completely against the interest of to stay their hands and not to continue to mutilate the Bill. If they persevered in altering the small tenants, they would make it worse than worthless as a settlement of that question. He dared not hope that any words of his would have weight with their Lordships; but he held it to be a duty which he owed to himself and to his country to say a few words on behalf of the small tenants in Ireland.

The Duke of RICHMOND said, nothing could be more irregular, or more at variance with the suggestions thrown out earlier that evening by the Secretary of State for the Colonies, than the speech to which they had just listened. Their Lordships were engaged in discussing the 40th clause of the Bill, when the noble Earl (the Earl of Fingall) got up and took to task noble Lords on that (the Opposition) side of the House for the manner in which they had proposed the Amendments they deemed necessary in the measure—telling them that the Bill as it came up to that House would scarcely have been accepted in Ireland, and protesting against what he called its mutilation. He would not follow the example of the noble Earl, but would state to their Lordships his view of the clause immediately before them. On the second reading he had said that he thought this part of the scheme of the Government was wrong in many respects, and contrary to good policy; but, as it had been considered and accepted by the other House of Parliament, which was held to be pre-eminently the guardian of the public purse, he did not think he should be justified in opposing the proposed grant of public money to assist Irish tenants in purchasing the estates they might wish to buy. And he added that one negative advantage attending the plan was that the grant proposed was so small that, practically speaking, little mischief could result from its operation.

The Earl of MALMESBURY said, he believed this part of the scheme to be a sham, and that it would be impossible to carry it out; and he thought the Government knew that to be so as well as he did himself. Noble Lords opposite talked of making experiments in a great kingdom very much as they might talk of making them on their own farms. He was rather surprised to find his noble Friend who had just sat down justifying this proposal by saying that it had been assented to by the House of Commons, the guardian of the public purse. It was true their Lordships' House could not impose taxes, but they could prevent taxes from being imposed —a great privilege of which they ought to be proud, and which they ought to exercise on suitable occasions. That proposal, when it first appeared in the horizon of politics, was ridiculed by some, abused by others, and by none was it more completely pulled to pieces than by a very eminent Member of the Government, the present Chancellor of the Exchequer, who, he believed, was the "guardian of the public purse." That experimental proposal—the suggestion of an individual Member of the Cabinet, and which had not a leg to stand upon—was, nevertheless, brought forward and thrust into a Bill of much importance, and one framed with great ability and power of thought. It had not been defended by any statesmanlike arguments, and he said it was a "sham." If unfortunately, it became a reality, why were they to tax the English people to buy for Irish tenants the estates of their landlords? Again, what could be more ridiculous than to provide £1,000,000 only for such a project? A hundred millions sterling would not suffice to carry out the principle to the full extent. The noble Earl (Earl Granville) had referred to the thriving class of small proprietors who were to be found in various countries in Europe. No doubt, the peasant-proprietors of Tuscany were a thriving class, and their country the most carefully cultivated in the world; but the old English yeomen—whose rapid disappearance he regretted—could not live as they used to do under the existing economical conditions of the country. It was impossible that on their own small properties they could subsist in comfort and support the load of taxation under which this country groaned, as they did before the Great War entailed such heavy burdens on the community. The noble Earl on the Cross Benches (Earl Grey) had done right in making at least a protest against this proposition. If the proposal were a good one, it ought to be carried out to the utmost; if a foolish one, it ought not to be dallied with as it was by the Government. If Her Majesty's Government carried out this scheme could they lay their hands on their hearts and say that they believed the tenantry of Ireland, such as they had described them, would be good creditors, and would not give the statesmen of this country every possible trouble hereafter?

On Question, That the Clause stand part of the Bill? *Resolved* in the *Affirmative.*

Clause 41 (Advances of tenants for purchases of holdings in Landed Estates Court).

The Earl of POWIS moved to omit the last paragraph which forbade the alienation or subdivision of any holding, charged as aforesaid by order of the Landed Estates Court, without the consent of the Board. He did so on the ground that the tenant who had been declared the purchaser of his holding ought to have full liberty of dealing with his property in the same manner as any other person.

Amendment *negatived.*

*The Earl of Malmesbury*

The Duke of RICHMOND moved that the clause be omitted. It was obvious that an estate sold in the manner contemplated would not fetch its full value. It would be thought so invidious a thing if a tenant wished to buy his holding to bid against him, that no one would venture to do so. If a tenant had money of his own there was no objection to his purchasing; but he must protest against the Government finding the money for the tenant. He should move, therefore, that the clause be struck out.

Earl GRANVILLE thought it almost impossible to adopt this Amendment with any consistency after having passed the last clause. The whole argument of his noble Friend seemed to be founded upon the rather sensational story told the other day by the noble and learned Lord (Lord Cairns), about a tenant saying in the auction-room that he had bid so much and he hoped nobody would bid against him. A noble Friend of his had told him that he had often heard the same story in Ireland, but in a different sense. An estate was put up for sale, and it was agreed beforehand by the landlord that it should be sold if it fetched £17,000. But it did fetch £26,000, and when one of these holdings was put up a man in a frieze coat said—"I am ready to give so much; will you bid against me?" He had another story to tell. Two persons were commissioned to buy a picture, and they were bid against by somebody in a corner; upon which one of them said—"Oh, this gentleman is bidding against the National Gallery," upon which the man in the corner immediately desisted and they got the picture. That was an instance of the good nature sometimes exhibited in such matters. He could not conceive on what principle of justice they should offer this boon to the tenants of Ireland in general and then take it away from that portion exactly who were placed in the greatest difficulty, seeing that the landlord to whom they were attached by the most grateful feelings might be succeeded by a stranger who might treat them harshly. He thought it impossible for their Lordships to adopt the Amendment.

Lord CAIRNS said, there was another story which the noble Earl had not told, it was that the Trustees of the National Gallery sent two agents to buy a picture, and they bid against each other until they raised the picture to an extravagant sum. Apart, however, from all anecdotes, he objected to the clause. The noble Earl (Earl Granville) said, that in consistency they were bound to accept it as they had passed the former clause. But the cases were entirely different. The principle of Clause 40 was that if the landlord and tenant agreed, without any compulsory sale, that the latter should purchase his holding, the tenant might come to the Government to advance him a certain part of the price. As far as regarded the relations of landlord and tenant, no possible harm could arise from that. But under Clause 41 they would have a tenant going into the Landed Estates Court and bidding for the property of which he was the occupying tenant not out of his own resources, to which there could be no objection, but armed by the Government with two-thirds of the purchase-money. Such a man would be in a position preferable to that of any other intending purchaser. Let them observe the consequences of all this. If a tenant went into the market and bid for his holding there was the obvious danger that the public would not bid against him, from the fear that if they did so, and succeeded in becoming purchasers, they would be but laying the seeds of rancour and ill-feeling in such a way as to lead to the reaping of ill fruit in the future. But of the two dangers he thought the greatest was to be found in the proposal to put into the hands of tenants the means whereby they could injure the sale of their landlord's property. As several anecdotes had been told from the other side of the House in the course of this discussion, for the purpose of illustrating and enforcing the views held by noble Lords sitting there, he might be allowed to state some facts in support of the view which he held. In November last a portion of the estate of Lord de Lisle, in the counties of Cork and Limerick, was sold in the Landed Estates Court. Several lots sold at prices varying from 20½ to 24 years' purchase. At length a lot occupied by one John O'Donnell was put up. It contained 113 acres 1 rood and 30 perches, was held at a rental of £165 19*s.* 4*d.*, and was put up at £2,000. Some other bids followed; and after £2,400 had been offered the tenant got up and, offering £2,500, said in a very distinct and emphatic voice that he was better entitled to purchase the lot than was anyone else in the room. The result was that not another bid was made, and this particular lot sold for 15 years' purchase, as against 20 to 24 years' purchase in the other cases. A similar occurrence happened at a sale of some property in the county of Carlow. There were two lots, the first of which fetched 20½ years' purchase; but when the second lot was put up the tenant offered a sum equal to 10 years' purchase, and roared out, "I am the tenant," the result being that there was no other bidding. The Judge, however, very properly postponed the sale of that lot and proceeded with Lot three. He mentioned these facts to show what would arise if the tenants were allowed to bid at sales with public money. He admitted that the tenants to whom he referred went to the sales with their own money and not with grants from the State; but "if these things are done in the green tree, what will be done in the dry?" He ventured to think that such scenes as he had described would be multiplied and aggravated if the proposal of the Government were carried.

After a few remarks from the Earl of CLANCARTY, .

LORD O'HAGAN contended that one of the greatest wants of Ireland to remedy the evils under which the country suffered was the creation of an independent small proprietary, and until such a body was found a peaceable state of things could not be looked for. But this object could not be secured unless the clause now being considered was allowed to remain in the Bill. Such scenes as the noble and learned Lord had described had occurred in Ireland, and would occur there again—tenants frequently made such statements in order to induce other tenants not to bid against them—but he did not think the passing of this Bill would tend to increase their frequency, for the reason that the measure had been framed in order to do justice to the holders of land, and so diminish the necessity for appeals such as those made by the tenants whose cases the noble and learned Lord had related. Particular objection had been raised to assisting tenants purchasing in the Encumbered Estates Court, although, as matter of fact, that class stood in more urgent need of assistance than did any other tenants in Ireland, by reason of the fact that the persons purchasing large estates in the Court turned out, as a rule, the most selfish and exacting landlords to the small tenants holding under them. He admitted that the Bill was, as a whole, an experiment. Some said it was a doubtful experiment; but this he could not, for one, believe. Be that as it might, however, unless the present clause were retained the experiment would have a very small chance of succeeding, and, therefore, he hoped the Committee would not accept the Amendment. It had been objected as an argument against the proposal, that the sum to be advanced by the Government was very small; but he (Lord O'Hagan) thought the Government deserved great credit for not having proposed to advance larger amounts. There was one instrumentality applicable to purchases under the Landed Estates Court which related to no other class in Ireland. It had been one great fortune of his life that when Attorney General he introduced the Record of Title Bill for Ireland. That measure affected only the purchasers in the Encumbered Estates Court; but they were the very persons of all others upon whom it was desirable that the experiments contemplated by this Bill should be tried. The cheapness of purchase, facility of transmission, and security of property under the provisions of that Act, all indicated these persons as the very best class upon whom this experiment of small independent proprietorships could be tested.

LORD DUNSANY, agreeing with much that was contained in the speeches of both the noble and learned Lords, suggested, for the consideration of the Government, whether there were not parts of the country in which it might be dangerous to allow the experiment of an open sale in the event of the tenants desiring to purchase—for instance, in those parts of Ireland where the Peace Preservation Act had been recently put in force.

LORD CAIRNS said, there was nothing to prevent any tenants who wished to buy an estate which was being sold in the Landed Estates Court from agreeing with the landlord as to the price, and submitting that price to the Judge of the Court. But what he objected to was the open bidding.

THE LORD CHANCELLOR said, he could not conceive why, when the market was open, and the landlord was compelled by circumstances to sell in the Landed Estates Court, the tenant, who had the strongest possible inducement to buy the estate if he could, should be restrained from doing so.

THE DUKE OF RICHMOND said, that as the noble and learned Lord opposite (Lord O'Hagan) had declared this clause to be essential to the working of the experiment, he would not throw any obstacle in its way. He retained all his own objections to the clause, but would not press his Motion for its rejection.

Clause *agreed to.*

Clause 42 (Landed Estates Court to afford facilities for purchase by occupying tenants).

THE EARL OF LIMERICK said, he thought it very objectionable that where so much had already been done to give security to the occupying tenants, they should further be permitted to appear in Court and make suggestions as to the size of the lots in which the estate should be sold. Suppose there were 2,000 small tenants on an estate, this clause was a direct suggestion to each of them that he should appear before the Court.

Amendment *moved,* line 23, to leave out from ("and") to end of the clause.—(*The Earl of Limerick.*)

THE EARL OF KIMBERLEY said, that as the object of these clauses was that tenants, if able to purchase the property, should be at liberty to do so, it seemed but reasonable that the Court should have the power of getting from the tenants any information which might be desirable as to the way in which the estate could most advantageously be divided into lots. It by no means followed that the Court would act upon the information thus supplied to it; and nobody, he believed, distrusted the action of the Landed Estates Court.

Amendment *negatived.*

Clause *agreed to.*

PART IV.—SUPPLEMENTAL PROVISIONS.

Clauses 43 to 52, inclusive, *agreed to.*

Clauses 53 to 60—*As to Legal Proceedings and Court.*

Clause 53 (Duty on notice to quit) *agreed to,* with an Amendment.

Clause 54 (Regulations as to notice to quit).

THE DUKE OF RICHMOND moved, in lines 13 and 14, to leave out "a year," and insert "six months," with the view of limiting to the latter period the interval at the termination of which a notice to quit should take effect.

EARL GRANVILLE accepted the Amendment, observing that it was important that differences between landlord and tenant should not extent over a longer time than was absolutely necessary; but stated his intention of adding a few explanatory words to the clause on the Report.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

PART V.—MISCELLANEOUS.

Clauses 55 to 60, inclusive, *agreed to.*

LORD DUNSANY moved to insert a new clause before Clause 61—

> "Where a tenant is bound by any covenant to keep agricultural buildings, premises, drains, or other improvements in repair, but where no penalty is prescribed for the violation of such covenant, it shall be lawful for the landlord to apply to the Court to compel the tenant to fulfil the covenant, and the Judge shall decide according to what he believes to be the spirit and intention of the covenant, and any order made by the Judge for the fulfilment thereof shall be binding upon the tenant."

EARL GRANVILLE thought the proposed clause unnecessary.

Amendment *negatived.*

Clause *agreed to.*

Clauses 61 to 65, inclusive, *agreed to.*

Clause 66 (Distress).

THE DUKE OF RICHMOND moved the omission of the clause. He said it was inconsistent with other clauses in the Bill. The Government were not responsible for it in the beginning. It was put into the Bill at a late period in the other House of Parliament.

EARL GRANVILLE said, this clause was very strongly pressed on the Government when the Bill was under discussion in the other House of Parliament. His own opinion was, that the Law of Distress should be abolished; and Judge Longfield and a very eminent land agent in Ireland had expressed themselves as being very strongly of the same opinion. It was true that this clause was, to some extent, inconsistent with other clauses of the Bill; and if the noble Duke pressed his Amendment he would not divide against him; but he reserved to the Government the right of endeavouring to give effect to the object of the clause in some other way if they should think it advisable to do so.

Clause *struck out.*

Clause 67 (General definitions) *agreed to.*

Clause 68 (Special definitions).

LORD CAIRNS moved an Amendment to definition of a "holding"—

> "The term 'holding' shall mean a farm or other holding of a tenant which is agricultural or pastoral in its character, or partly agricultural and partly pastoral"—

namely, to add at the end of the foregoing the words—

> "And shall include all the land of that character held by the same tenant of the same landlord."

THE LORD CHANCELLOR suggested that the Amendment required some modification of detail to meet cases where a tenant might have one holding by lease, and another from year to year from the same landlord, and the like. The addition of some such words as "under the same landlord, on the same estate, and under the same contract," would answer the purpose.

Amendment altered accordingly, and *agreed to.*

Amendment *moved,* line 20, after ("holding,") to insert—

> ("Manures shall mean any manures other than the ordinary manure made on the farm that shall be proved to have been used upon it within not more than four years previous to the end of the tenancy, and then unexhausted; such manures shall be taken to be exhausted in the manner following:—Lime and bones in four years in equal yearly proportions; town manure and marl in three years; guano and superphosphate used for turnips or mangolds in two years in like proportions; provided, that whenever any two following crops of the same kind shall have been taken from the land they shall be considered to have exhausted the manure.")—(*The Lord Talbot de Malahide.*)

EARL GRANVILLE objected to the Amendment as drawing a very inconvenient hard-and-fast line.

Amendment *negatived.*

Amendment *moved,* at end of Clause 68, to insert—

> "The term tillages shall mean such acts of cultivation done in the last year of the tenancy as shall enure to the benefit of the crop of the succeeding year."—(*The Lord Vernon.*)

Earl GRANVILLE said, it was better to leave the matter to be decided by evidence before the Court.

Amendment (by Leave of the House) *withdrawn.*

Clause *agreed to.*

Amendment *moved,* after Clause 68, to insert the following Clause:—

"In the cases of all estates of one thousand acres and upwards (situate in the same county), it shall be competent, within a year from the date of the passing of this Act, for *three-fourths* of the tenantry thereon to apply to the Court to release such estate from the provisions of this Act, and the Court shall as soon as practicable, after first obtaining the consent of the landlord, make an order for such release, and from the date of such order such estate shall no longer be subject to the provisions of this Act or any of them; provided, that at any subsequent time within the duration of this Act, it shall be competent for *one-third* of such tenantry for the time being to apply to the Court to rescind such order, and the Court shall rescind it accordingly."—(*The Marquess of Bristol.*)

Earl GRANVILLE opposed the clause on the ground that it would not work.

After a few remarks from Lord Clancarty,

The Duke of RICHMOND said, that while he, with all noble Lords on that side of the House, appreciated very highly the motives which had actuated the noble Marquess in bringing forward his clause, he could not but think that it would be out of place to pass it at the present stage. He would, therefore, suggest that the noble Marquess should be content with the expression of opinion which had been called forth and not press his Motion further.

The Marquess of BRISTOL said, he would, in deference to the advice of his noble Friend, withdraw his Amendment.

Amendment (by Leave of the House) *withdrawn.*

Clause *agreed to.*

Clauses 69 and 70 *agreed to.*

Schedule *agreed to.*

On the Question, That the Amendments be reported to the House,

The Earl of LEITRIM said, he desired to express his distinct dissatisfaction with the proceedings in Committee on the Bill, which, in his opinion, had been brought in with rancour and party spirit directed against the landlords of Ireland, and opposed only from fear lest the same mode of proceeding should be adopted on this side the Channel. He was perfectly satisfied that the Bill would not give satisfaction to one-tenth of the people in whose favour its promoters said it had been framed. It would inflict great cruelty upon Ireland, by running a large number of small capitalists and driving very many of the labouring classes from the country.

The Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed,* as amended. (No. 168.)

House adjourned at a quarter before
One o'clock A.M., to Thursday
next, half past Ten o'clock.

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## HOUSE OF COMMONS,

*Tuesday, 28th June,* 1870.

MINUTES.] — Select Committee — Army (Colonels), *appointed.*

Public Bills—*Ordered*—Parochial Councils.

*Ordered — First Reading* — Dublin City Voters Disfranchisement* [184].

*Second Reading*—Charitable Funds Investment* [168]; Rents and Periodical Payments* [169]; Settled Estates* [110].

*Referred to Select Committee*—Local Government Supplemental (No. 2)* [171].

*Committee* — Elementary Education (*re-comm.*) [167]—R.P.

*Considered as amended*—Medical Officers Superannuation* [70].

*Third Reading*—Cattle Disease (Ireland)* [174]; Liverpool Admiralty District Registrar* [164], and *passed.*

The House met at Two of the clock.

### ARMY—VOLUNTEER COMMISSIONS.

### QUESTION.

Mr. P. A. TAYLOR said, he would beg to ask the Secretary of State for War, Whether his attention has been called to the following published statement in regard to the Evesham Rifle Corps:—

"That, for several months past, the corps has been in danger of being broken up from being entirely without officers; that, after much pressure, two highly respectable tradesmen, both town councillors, consented to serve as Lieutenant and Ensign respectively, but that Commissions were refused by the Lord Lieutenant on the ground that he 'did not consider their social position would allow of his appointing them commissioned officers?'"

Mr. CARDWELL: My attention, Sir, was called to this subject for the first time by my hon. Friend's Question. I understand it is not strictly accurate that the Lord Lieutenant has refused the commissions in question, as no formal application has been made to him for them. By the Regulations commissions are given on the recommendation of the Lord Lieutenant, and in dealing with a Volunteer force he consults what he conceives to be the feeling and wish of the county generally, and the members of the force in particular.

## ARMY—THE HORSE GUARDS AND THE WAR DEPARTMENT.—QUESTION.

VISCOUNT BARRINGTON said, he would beg to ask the Secretary of State for War, If there is any truth in the report which has been circulated that, by a recent Order in Council, changes have taken place in the relations between His Royal Highness the Field Marshal Commanding in Chief and the War Department; and, if any, what those changes are?

MR. CARDWELL: Sir, an Order in Council defining the duties of the Officer Commanding-in-Chief has received the sanction of Her Majesty, and has been laid before Parliament. The intention of that Order is to define, in the clearest terms, and by the highest authority, what is the position of the Officer Commanding-in-Chief. I believe it will be found to be in entire conformity with the declarations which I have always made in this House upon that subject; and, in making those declarations, I have always had the entire concurrence of his Royal Highness.

## NAVY—ADMIRALTY PENSION BRANCH.
### QUESTION.

SIR JAMES ELPHINSTONE said, he wished to ask the Secretary to the Admiralty, If there is any truth in the report now current, that a sum of money, stated to amount to £2,000, has been paid as compensation under a late Act to a person who had been previously discharged from the service for misconduct; and, if so, will he state the date and cause of said clerk's dismissal, and the date and amount of payment of the commutation referred to?

MR. BAXTER: Sir, I regret to say it is true that, owing to a very strange mistake in the pension branch of the Admiralty, a person who had been discharged from the service by the Duke of Somerset in October, 1861, received on the 13th of June, 1870, a sum of £2,233 9*s*. as the commutation of a supposed pension, no such pension having ever been granted. The Treasury and Admiralty have instituted a thorough investigation into the circumstances of this most extraordinary case.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[BILL 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 27th June.*]

Bill *considered* in Committee.

(In the Committee.)

MR. STEPHEN CAVE said, he wished to make an explanation. In the course of the debate yesterday, he quoted some facts from a printed Paper, relating to the Presbyterians in the North of Ireland, and commented upon them. The hon. Member for Liverpool (Mr. Rathbone) afterwards charged him with misquoting; and as he (Mr. S. Cave) had read the Paper hurriedly, and quoted merely from memory, he bowed to the hon. Gentleman's correction. On looking at the Paper again this morning, however, he found that he had really quoted from it correctly, and that the hon. Member for Liverpool must have supposed him to have been quoting from some other paper. The matter was not of very much consequence; but he thought it right to vindicate what he had said, as he felt strongly that any misquotation from carelessness was only a degree better than dishonesty in argument.

Clause 7 (Regulations for conduct of public elementary schools).

LORD ROBERT MONTAGU moved, in page 3, sub-Section 4, line 28, after "conditions," insert "contained in the Schedule to this Act, and which are." The noble Lord said the Amendment was not contrary to the principles laid down by the Government, and he therefore hoped that the Government would accept it. A short time ago the Prime Minister proposed a compromise in three parts, two of which were concessions to hon. Members below the Gangway on the other side of the House, while the third was a concession offered as a makeweight to the Conservatives. The first concession was the adoption of the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple), while the second was a proposal that the managers of voluntary schools should have no connection with the school Boards; or in other words that they should receive no assistance out of the rates. Those were concessions to hon. Members below the Gangway on the other side of the House, and they were both made permanent and put into the Bill. The third concession, or makeweight for the Conservatives, was the proposal that in future the voluntary schools and the rate-paid schools should all receive an increase not exceeding 50 per cent of their grant. That increased grant would be a great assistance to the schools, and it would be a fair and just concession; but it ought, like the others, to be made permanent, and put into the Bill. It was only just that they should be equally permanent and secure. If it was not so treated, they would have a feverish agitation next year, as the hon. and learned Member for Oxford (Mr. V. Harcourt) had promised them. That agitation would be injurious both to the cause of education and to the country generally. The whole question would then be re-opened with great bitterness and ill-feeling. He ventured to remind the Prime Minister of the little coldness—he would not call it schism—which existed between the Ministerial party above the Gangway and the larger party sitting below the Gangway. Now, the cause of that coolness the right hon. Gentleman, he had no doubt, desired to remove; the serious wound in his party he surely wished to heal. But how was this to be done? how was the ulcerous sore of agitation to be removed? If, having made one part of the compromise permanent in the Bill, he would do the same by the other part, he trusted that, the whole matter being finally settled, and there being no object for agitation, the great Liberal party might be again re-united. But let him suppose that that party became re-united, by some miraculous means, without the adoption of such a course, although the cause of irritation still remained; then the new Code, when it was placed on the Table, would be rejected by the House, and the consequence would be that hon. Gentlemen sitting below the Gangway would get their half of the compromise, while the other half would be lost to those who sat on the Opposition Benches. The rate would then become very high in every parish in England, and odium would thereby be cast on the whole measure. As to the voluntary schools, if they were deprived of the maximum grant of 50 per cent, while they lost those other sources of income on which they had hitherto relied, they would be starved out, and the Bill would be a measure not to complete, but entirely to supersede the existing system. That was his first reason for desiring that that portion of the new Revised Code which related to the conditions on which the grants were to be given should be put into one of the Schedules of the Bill. Secondly: if that were not done, there would be a perpetual liability to change by the Education Department or by the House. The Minister at the Department might have different views, or might simply be given to change. The agitation out-of-doors, which had been promised, might force a change on the Minister. Yet surely those who for 40 years had, with their own resources, fought the battle of education, had a better right to fixity of tenure than those indolent, squalid persons whom the Prime Minister had that year taken under his protection. The evils of insecurity or liability to change were known in every pursuit. In trade and mercantile enterprizes, the least likelihood of change put an end to energy. Nothing—he had the authority of the Home Secretary and of the Colonial Minister for saying, stood so much in the way of educational progress as that want of confidence which fear of change engendered. The concluding words of the Report of 1865-6 were these—

> "Nothing has stood, and nothing now stands more in the way of progress than the want of confidence engendered by frequent changes."

All the Inspectors in 1865-6 had reported that this sense of insecurity was detrimental. That was his second reason for desiring that the new Code should be embodied in the Act. In the third place, the Vice President of the Council had stated, in answer to the hon. Member for Buteshire (Mr. Dalrymple), that he could not lay upon the Table the alterations which were to be made in the Revised Code because he did not know what the conditions of the Bill would be when it became law. Now, if the new Code was to depend upon the Bill, the Bill depended upon the Code; and the Code might be so framed as to change the character of the Bill. The Committee were, therefore, asked to legislate on the subject in the dark. The House had a right to demand that the new Code should be placed before them as a guide for their present proceedings, instead of deferring its consideration to another Session, when the Bill would be law, and the present details and difficulties would be forgotten; but the promised agitation would be rampant and distracting. Another reason for pressing the Amendment was that the Bill already gave too large powers to the Education Department. He alluded to the powers of the Department whenever a school Board was "in default." If the school Boards, for example, did not carry out the behests of the Department, the latter could then appoint persons to erect buildings for schools, and all the expenses which they chose to incur would have to be paid out of the rates. So, again, all the 13,000 to 15,000 bodies of legal trustees throughout the country were to be swept away under the new system, and the Education Department was to take their place. He did not desire that these powers should be absolutely taken out of the Bill; but he thought what he had urged showed, to say the least, the desirableness of rendering the present compromise permanent by inserting it in the Bill. If the Education Department were a permanent body, the country might trust it; but it was, as the House knew, an offshoot of party government, and the appointment of the heads of the Department was made to relieve the exigencies of a Minister. If the House desired to avoid agitation and the re-opening of the question next year; if they desired to unite the Liberal party; if they desired to stop frequent changes in order to promote the progress of education; if they desired not to legislate in the dark; if they feared the absolute powers of the Department, they must have the Revised Code inserted in the Bill so far, at least, as it related to the grants.

MR. GLADSTONE said, the Motion of the noble Lord was not very kind as regarded the Bill, nor did it correspond with the very humane sentiments towards the measure which the noble Lord expressed on the previous night. He felt bound, at the same time, to say that the humanity of the noble Lord towards the Liberal party was such as to demand his immediate and warm recognition. The noble Lord compassionated them on the state of schism in which he found them; and, after listening to his observations, it would appear as if he had derived his inspiration from having observed what had occurred three nights ago in "another place;" and as if he had acquired from that occurrence a very lively sense of the mischiefs which resulted from divisions in a party. He was glad, however, to think that there was no occasion for the apprehensions of the noble Lord in the present instance; for, so far as he could see, there appeared to him to be a growing disposition on all sides to concur as far as possible in the main provisions of the Bill, with a view to passing it into law in the present Session. He fully believed, he might add, notwithstanding the Motion just made by the noble Lord, that he, too, was in favour of the passing of the measure. [Lord ROBERT MONTAGU: Hear, hear!] He was sorry, however, the noble Lord should have thought fit to make the remarks which he had made with respect to the prospects of an agitation springing up on the subject of the sustenance of voluntary schools, it being the object of his Amendment, he said, to obviate any such risk. He did not believe in this agitation. When Parliament had well and carefully defined the amount of assistance which it was proposed to afford to voluntary schools; when they had stipulated—as he hoped they would, that the object of that assistance should be simply to promote elementary training in secular instruction; when they had coupled that with the condition that such training should be of an efficient kind, and that the schools in which it was given should contain ample provisions for liberty of conscience, he felt satisfied they might dismiss all apprehensions of the agitation to which the noble Lord referred. If, however, such an agitation were apprehended, the Motion of the noble Lord would be the means of antedating and inflaming it. He did not question the sincerity of the noble Lord; but this was the 28th of June, and to ask the Government, after the Bill had gone through Committee, to frame minute regulations under which aid would have to be distributed to the voluntary schools would involve the expenditure of so much time that it would be impossible to pass the Bill this Session. Of course, it was desirable that the promoters of voluntary schools should have full confidence in the general principles on which Parliament proceeded; and the Government admitted the necessity of the Motion of the hon. Member for Oldham (Mr. Hibbert), and of showing that it was in the mind of Parliament, as a part of the measure, to provide increased means for the support of voluntary schools. The right hon. Gentleman (Mr. Hardy) had wisely limited himself to a demand of that kind, and did not expect more than that Parliament should show what was in its mind as to future aid, whether to voluntary or rate-aided schools. While the proposal of the noble Lord was fatal to the Bill on the score of time, the cumbrous process he suggested did not provide the desired security and certainty, which could only be afforded by setting out in the Bill the whole of the conditions upon which State aid was to be administered, and likewise by providing that the disbursements necessary for the purpose of affording that aid should be charged upon the Consolidated Fund. The noble Lord had not ventured to suggest that, after the adoption for 40 years of the system of an annual Vote which, on the one hand, was found to give adequate confidence to the promoters of schools all over the country, and, on the other hand, secured the control of this House over the disbursement of a very much larger amount of public money, the House should now abandon that control, and should pass an Act charging future educational grants upon the Consolidated Fund. Did the noble Lord really think that the machinery of education in voluntary schools had reached such a state that anyone could say there was no reason to expect any further change? Was it not a fact that for 30 years we had been learning from experience, and had been feeling our way towards a good system? At one time attempts were made by a very elaborate machinery to make an efficient provision for education in voluntary schools. At another time, by means of the Revised Code, an attempt was made to simplify the action of that machinery. The noble Lord said that attempt had failed. If so, it was the best argument against his Motion and against the attempt to stereotype now that which ought to be kept in the hands of Parliament, and moulded according to the teaching of experience. If the Motion were carried, the noble Lord would only succeed in making a most inconvenient arrangement, rendering necessary constant resort to this House for the purpose of making changes in detail; whereas the method of proceeding should be a flexible one. While, therefore, fully admitting the reasonableness of giving some indication of the general policy which was proposed by Parliament, an indication upon which parties might at any time fall back for protection from a capricious exercise of discretion, possibly by a single executive officer, in limitation of the wishes of Parliament, he hoped the Motion would not be pressed.

Mr. VERNON HARCOURT said, he had not ventured to use the language of menace; but he had thought it fair to say, on behalf of himself and others, that they did not accept the principle of increased grants to the existing denominational schools. He was not quite so much afraid of agitation as the noble Lord seemed to be. "Agitation" was a word generally used by Gentlemen who were afraid of public discussion; it was a word of opprobrium employed with reference to public discussion by Gentlemen who did not like this discussion, and thought it might turn against them. A six months' agitation on this question would prove whether he and those who thought with him were right or wrong. Disapproving of these increased denominational grants, he said fairly he should use every opportunity that offered of opposing them. Meanwhile, like reasonable men, they made the best of the situation. They tried for what they wanted, and took what they could get, not wishing to obstruct the progress of this measure; but it was only fair that the Gentlemen with whom he acted should reserve to themselves the right of dissenting from the principle of increased grants to denominational schools. The right hon. Gentleman at the head of the Government censured him the other day rather severely, saying he understood him to say that the Amendment of the right hon. Member for South Hampshire (Mr. Cowper-Temple) was pure and undiluted denominationalism. That was a mistake. The Amendment was intended to temper the denominational system;

and he said that the effects of a combination of the two systems would be to increase the growth of the denominational system.

MR. GLADSTONE said, that though he commented on the speech of his hon. and learned Friend, according to what appeared to be its plain meaning, he accepted with satisfaction the true construction which the hon. and learned Member had now given of his meaning, and that he did not now see in the Bill the character which he thought he had seen in it.

SIR HENRY SELWIN-IBBETSON said, he would be the last person to throw any obstacle in the way of the passing of the present measure; but, at the same time, he thought he was justified in pressing the Vice President of the Council to give some assurance that, while concessions were made to one party, the other party should not be left in future years to the tender mercies of some other Vice President, who might entertain different intentions from those now expressed on the part of the Government. He believed that if the minimum as well as the maximum amount of aid were stated in the Bill, a provision of that kind would give satisfaction.

MR. ASSHETON CROSS said, he was as anxious as anyone to see the Bill passed this Session; but he could not assent to the argument of the Prime Minister that want of time justified them in abstaining from doing what was really just. The Prime Minister also stated that the Code was of such a complicated nature and so full of *minutiæ* that if they attempted to put it in the Bill then the measure would fail of having that elasticity necessary for carrying out the new system of education. Nevertheless, though the minute points of the Code were not put in the Bill, still its main and broad principles might be set forth, so as to prevent any future Vice President of the Council from treating one set of schools in a different way from another set. There ought to be some security that the grants would be made to all schools upon a similar scale and on similar conditions. He had therefore put some words on the Paper, but they would be considered in an after part of the Bill.

LORD HENLEY agreed with the noble Lord the Member for Huntingdonshire (Lord Robert Montagu), that all concerned with voluntary schools should have some fixed knowledge of what amount of aid they were to receive. He had had the management of a voluntary school for a great many years, and had watched the Reports of that school; and he had found that one of his greatest difficulties arose from the uncertainty of the receipts from the Education Department. Those receipts had varied from £29 a year to £7 a year; and in a small school, where the total expense did not much exceed £100 a year, not to know whether a portion of the receipts was to be as low as £7 or as high as £29 constituted a great difficulty. In fact, the school managers did not know what to do. He was rejoiced that some addition was to be made to the grants for voluntary schools, though he was surprised at the amount of the maximum of 50 per cent, which was about 15*s.* per head per child, because the school with which he was connected had been in the habit of receiving only 3*s.* or 4*s.* per head per child. As 15*s.* constituted the maximum, probably the actual aid would not be much greater than the school had hitherto received; but he should like to see something in the Bill on the subject. Then, as representing a large body of Nonconformists, he thought it was important that these matters should be laid down with some little accuracy. What was the amount to be charged on the Consolidated Fund? What was the amount which they would be called on to contribute? The right hon. Gentleman did not state what was the number of schools, nor what was the amount of grants, and without these matters they were working in the dark. He would not give any vote to delay the Bill, and he hoped the noble Lord would not press his Amendment to a Division.

MR. W. E. FORSTER said, with regard to the amount which was to be charged on the Consolidated Fund, he did not know what it was nor did he know what it would be. The amount depended entirely on what Parliament would do. His first objection to the noble Lord's (Lord R. Montagu's) Motion was that this was not the time for it. Clause 7 stated that one of the conditions to be observed in the management of an elementary school was, that it was to be conducted in accordance with the conditions attached to the Parliamentary Grant, which meant that it must be carried on in accordance with the Code. This Bill was divided into two parts; the second part related to the grant and the Code; and the proper time for considering the noble Lord's Motion would, therefore, be when the Committee came to deal with the second part of the Bill. A second objection to having the Code embodied in a Bill was, that it was advisable, through the revision of the Code, to utilize information obtained as to the working of it, and in that way to stimulate the progress of education. The noble Lord said that he (Mr. Forster) ought to be able to frame a Code before the Bill left the House, and that if he (Mr. Forster) could not do it, he (Lord R. Montagu) could. He did not think the noble Lord overrated his own knowledge and experience, although undoubtedly he had far overrated the knowledge and capacity of him (Mr. Forster). The Department had now to consider carefully all the information obtained during the last five or six years, as to the effect of the Code as revised by the Chancellor of the Exchequer, and the respects in which it had failed to answer the expectations formed at the time of its revision; and he had not been able, in addition to framing this Bill, to go through the labour of adapting the Code to the Bill, a work which would require the greatest thought and care. The Government would be acting unjustly if they did not consider how any increase of the grant could be spent with the greatest advantage to the cause of education. The money was not to be given for the sake of giving it, but for value received; and the Department might be to blame if they did not do more than the percentage of good represented by the additional grant. If, however, the principles on which the Code was to be revised were to be embodied in the Bill, the proper place to do that would be in Clause 82; and before the Committee came to that clause the Government would be prepared to deal with the question. There was no intention to make any difference between the grants to different kinds of schools; they did not mean that they would necessarily be the same, but that all schools would have the same opportunity of earning them, and the amounts they obtained would depend upon their qualifications. The Department must hold to the great principle of results; and it was impossible to say what was the minimum any school might earn.

MR. PELL said, it was necessary to clear up a point with reference to the proffered increase of the grant; and in elucidation of that point he read the following extract from a letter from a gentleman who had charge of a school in his own county:—

> "We are at a loss to know what Mr. Gladstone means by saying he will increase the Government Grant 50 per cent. Do, please, ask if possible. He assumes (correctly enough), that the average cost per child is 30*s.* ; but he says that the grant is one-third of this sum, and will be increased by one half of this third—*i.e.*, in all 50 per cent, or 15*s.* per head. Clear enough, only that at present by the Revised Code we are actually entitled to, and do receive, if earned 15*s.* per head. See the Code. For instance, I have got within the last few days £70 grant, and our school pence and contributions equalled about £71. Hence we got about 50 per cent. Possibly he means in poorer parishes there will be less stringency and more liberality, so that those who might now get 50 per cent, but practically get 33 only, would really get the 50. If so, the Code must be revised; but it ought to be understood that he is not really increasing the terms of the Revised Code, but leaving it stationary with most schools, and only making its maximum attainable in others. So that we have little to be thankful for."

The parts of the Code referred to were Sections 40, 44, and 52; and the last of these implied that the rate might be 15*s.* per scholar, according to the average attendance. Suppose a school with 60 scholars on the roll, and an average attendance of 40; the earnings of 40 at 4*s.* each would be £8; suppose 50 to pass in all subjects, they would earn 8*s.* each, or £20, which would give a total of £28, and that would be an average of 14*s.* each for the 40. At this stage of the Bill it was desirable to have from the Government some clearer explanation of this so-called concession, as to whether it meant that more money was to be given, or that there was to be greater liberality in applying that already given.

MR. DISRAELI said, he was not surprised that his noble Friend (Lord Robert Montagu) should have taken an opportunity of obtaining from the Government a more distinct assurance than the Committee had yet received with respect to the increase of the grants to voluntary schools, and he thought that his noble Friend had enforced his views in a becoming manner; but, on the whole, he did not think the Committee could receive a more satisfactory assurance from the

Government in this debate than they had received. Considering the nature of the Bill before them, it must necessarily be a moral assurance. To suppose that any Government, much less one represented by the present Prime Minister, should have made the statement which they had made respecting these increased grants, and that in due season they should not stand to their guns, was really to suppose that the Public Business of this great country would be carried on by men actuated by very different principles and contrary sentiments to those recognized by both parties in the House. He hoped, therefore, that his noble Friend would hesitate before he asked the Committee to come to a Division on the subject, satisfied with having asked the House to state its opinions on the subject, totally irrespective of the particular mode of the scheme of time, although that question must have some influence when the House was dealing with matters of this importance. He confessed that he was not at present prepared to stereotype the Revised Code. He did not see, for instance, how it was to work as regarded certificated masters. The whole subject required time before the House could meet the exigencies of the case. Under the circumstances, he trusted that his noble Friend would not ask the House to come to a Division. It appeared to him that the hon. and learned Member for Oxford (Mr. Vernon Harcourt) was not altogether acquainted with the case. He appeared to think that the supporters of the voluntary system would, under the Government proposition, secure some pecuniary advantage. But the hon. and learned Gentleman must be labouring under an error, because the advantages of the proposal would not be confined to the voluntary schools, but would be shared in by all schools alike. Under these circumstances, he thought that the contemplated agitation in the autumn must be founded on some other principle. The hon. and learned Member for Oxford would be reduced to this alternative—an agitation which would ask the country to decide between the comparative merits and advantages of local rating, and the resources of the Consolidated Fund. He did not himself see in this issue any of the elements of national enthusiasm. Speaking, perhaps, from a longer experience of this particular subject than that which the hon. and learned Gentleman had enjoyed, he was bound to express his belief that, if there were to be a competitive examination by the country of the respective merits of local rating and of the Consolidated Fund, the national verdict would be in favour of an attack being made upon that great fund which hitherto had been so popular with Ministers as a means of getting them out of difficulties, and of extricating them from perplexities out of which they saw no other means of escape.

**LORD ROBERT MONTAGU** said, that in consequence of the distinct and unequivocal assurance of the Prime Minister, he would follow the advice of the late Prime Minister, and would not give the Committee the trouble of dividing, but he would rather have his Amendment negatived than withdraw it.

Amendment *negatived.*

**DR. BREWER** moved, sub-Section 4, page 3, line 29, at end, add—

> "And the master or mistress of every rate-supported school shall keep a register of every admission and dismissal, which shall be laid before the school Board at every meeting thereof, and the register shall contain columns indicating the proficiency of the scholar leaving the school in reading, writing, and arithmetic, and certificates of such proficiency shall be given to the parent or guardian of such child on leaving."

**MR. W. E. FORSTER** said, that the Government would not be able to accept the Amendment; but he must also point out that this was not the proper clause in which to move it. He objected to the Amendment because he thought it unwise for Parliament to attempt to lay down for the Education Department rules affecting those details of management which ought to be left to its discretion.

Amendment, by leave, *withdrawn.*

**MR. VERNON HARCOURT** said, he should withdraw the Amendment of which he had given Notice—namely—

> "In any school assisted from public rates the religious instruction which may be given therein shall be confined to unsectarian instruction in the Bible;"

his intention being to vote for the Amendment on that subject in the name of the hon. Member for Manchester (Mr. Jacob Bright). The other Amendment of which he had given Notice was the last relating to Clause 7. It was to this effect—

> "5. In every such school provision shall be made for giving to the parents of the children educated therein, and contributing thereto, a representation on the management of such school according to regulations to be made for that purpose by the Education Department; and in case such school shall be in receipt of a Parliamentary Grant, provision shall in like manner be made for giving a proportionate share in the management of the school to the householders resident in the school district."

He did not attach great importance to the wording of the Amendment. He was quite willing to admit that it might be imperfect in its character, and he would accept any method of dealing with it consistent with the principle he intended to raise. The principle he asked the Committee to affirm was this—that in the case of every public elementary school in the country the parents should have some voice in its management. He could conceive no principle of more capital consequence than that. They were going to establish two classes of schools—one rate-aided schools, subject to the regulations with which they were familiar; and the other voluntary schools. That was not what they had wished; but, as reasonable men, they accepted the situation, and dealt with it as they found it. And with reference to what had been stated by the right hon. Member for Buckinghamshire (Mr. Disraeli) as to the autumn platform, he ventured to observe that he did not altogether accept the situation he was good enough to offer. They were not going to agitate for local rates against the Consolidated Fund. They were quite willing to rob the Consolidated Fund, though, probably, the right hon. Gentleman, from his experience as Chancellor of the Exchequer, knew better how to do it than they did. They were ready to dispense altogether with rates, and take all that was necessary from the Consolidated Fund; but their principle was this—that neither from rates nor from the Consolidated Fund should money be applied to the extension and increase of the denominational system. That was the autumn platform, in the success of which, if the right hon. Gentleman would join them, he should feel assured. But, now, how were they to deal for the future with voluntary schools? On what footing were they to be? Did they, or did they not, intend to admit parents to any voice in their management—above all, in the choice of a schoolmaster, on which the future of their children so much depended? The Bill, as it at present stood, gave the subscribers who provided 20 per cent of the whole cost of the school the sole control of its arrangements, and would not permit the State, or the parents who provided the other 80 per cent, to have any voice in the matter. A Roman Catholic subscriber of one-sixth of the cost of the school could use the five-sixteenths supplied by the public to serve his own sectarian ends; and, besides this, a subscriber might even control the school in the matter of secular education, and possibly insist that the secular instruction should consist of nothing but Latin and Greek. He was aware that he should be told that, unless this provision was inserted, voluntary efforts would suffer discouragement; but he replied that, buying voluntary aid too dear, they were selling the birthright of British parents to control their children's education for a miserable mess of voluntary pottage. He believed that hon. Gentlemen opposite were as anxious to get the children to school as he was, only they thought there was a better method than compulsion. Well, then, what better method could there be than to give parents confidence in the schools? And how were they to have confidence so fully as when they had a voice in the management? He did not want to exclude the landlord. He would give him a voice in due proportion to his liberality. But in this country there was as much absenteeism as in Ireland; and while the parishes where the landlords resided were petted and cockered, there were many educational Cinderellas who were left to pine in dust and ashes. Least of all did he wish to exclude the clergymen, who were usually the most intelligent men in the parish, and who were far from being so exclusive, especially the younger portion of the country clergy. The Government, he trusted, would expressly state their opinions on this subject, which had not been hitherto fully discussed. It was proposed to give to those who contributed only one-sixth of the cost the entire control of the schools, and this, in his judgment, was extremely unfair. He hoped the House would affirm the principle that the parents of the children attending a school ought always to be admitted to a share in its management. The hon. and learned Gentleman concluded by moving his Amendment.

SIR HENRY SELWIN-IBBETSON said, he could not allow this Amendment to be put forward without stating that, according to his experience as a school manager, the proportions of the contributions to schools in the rural districts to the other means of support were very different from those put forward by the hon. and learned Member. If they put the proportions at 20, 40, and 60, he believed it would be found that the children's pence represented 20, the voluntary contributions 40, and the Government aid 60. The deductions from those figures was, that in such cases the voluntary contributors should be appointed managers, and not the parents of the children attending the schools.

MR. VERNON HARCOURT said, he wished the parents to have a proportionate share in the management.

SIR HENRY SELWIN-IBBETSON said, that in that case they ought to know what the precise proportions were. Another strong practical objection to this Amendment would be that, according to it, the parents of the children to be taught would have the appointment of the school teacher. Now, the appointment of a teacher was no easy matter, and required a special kind of knowledge, which was not likely to be of avail if they were simply to consult the wishes of the parents.

MR. W. E. FORSTER said, he could not delay any longer the appeal that had been made to him by his hon. and learned Friend for his opinion on this question. He did not intend to reply to his hon. and learned Friend's objections to the increased grant, as there would be an opportunity of debating that point at a future stage of the Bill. The hon. and learned Member commenced by stating that he would not adhere strictly to the words of his Amendment, but that he stood by the principle; but surely it was highly desirable that the wording of practical Amendments should be precise. In fact, his hon. and learned Friend had found that his words would not do. This showed how difficult it was to frame words that would carry out the principle.

MR. VERNON HARCOURT rose to explain. His statement was, that he adhered to the words of his Amendment; but that if his right hon. Friend objected to them he should not be unwilling to substitute others. What he wanted to know was, whether his right hon. Friend objected to the principle of the Amendment?

MR. W. E. FORSTER said, that in the case of a great many schools there were no contributions whatever; and, consequently, according to the terms of the Amendment, the parents of the children attending them would have no share in the management. The Amendment went on to say—

> "In case such school shall be in receipt of a Parliamentary Grant, provision shall in like manner be made for giving a proportionate share in the management of the school to the householders resident in the school district."

This Amendment was proposed to a clause affecting schools which received Parliamentary Grants, and he confessed his inability to understand the distinction made by his hon. and learned Friend. In the latter part of the Amendment his hon. and learned Friend abandoned the parents and spoke only of the resident householders, so that a school might possibly be managed by people who neither contributed to its support nor sent their children to it. This showed the difficulty of settling a matter of this kind by Act of Parliament, instead of leaving it to the general feeling of the country; and if his hon. and learned Friend had had the experience which he himself happened to have had, first as a manager and then in connection with the Education Department, he would hardly have supported his proposal by the arguments which he had used. The hon. and learned Gentleman contended that the public should have a voice in the management of these schools, and they had. Large sums of money were contributed by the public towards their support, and they exercised, in his opinion, a much more powerful control over them by adhering to the system of strict inspection and payment by results than if they themselves were to step in and take a part in the daily management. But then his hon. and learned Friend said it was contrary to the principle that representation and taxation should go together, that the parents of children should have no voice in the control of the schools. The real question, however, was not one of taxation and representation, but of purchase and sale, and he could state from experience that the parents in a great number of instances used their right of purchase very fully indeed. It was even a not unfrequent complaint of the Inspectors that they used it to the disadvantage of education. Some parents were apt, for instance, to take their children from school for very slight causes, which had nothing to do with the religious difficulty. As matters stood, persons who did not possess much wealth, but who did possess much benevolence, found it necessary to bring in parents into the control; but he was sure it would not advance the object which his hon. and learned Friend had in view if he were to attempt to do that by law. The Privy Council said in those cases—"Provide us with good schools and give a good secular education, and we will pay you according to the result." Nor did he believe they would gain by becoming managers themselves, or by creating some sort of machinery to bring parents into the matter. He would, therefore, appeal to the Committee not to agree to the Amendment.

COLONEL BARTTELOT said, that he thought those who sat on the Opposition Benches had some right to complain of the course which was taken by hon. Members sitting below the Gangway on the other side of the House. They had reason, for instance, to complain of the hon. and learned Member for Oxford (Mr. V. Harcourt) and the hon. Member for Birmingham (Mr. Dixon), who were constantly bringing forward cases which had, with rare exceptions, never occurred. Indeed, had not the religious difficulty been put in the mouths of the people, it would never have been heard of in the voluntary schools. It was, in his opinion, a most mischievous thing to tell the parents of those poor children that they ought to have a voice in the management of the schools. From his own experience, he could state that a great proportion of the children whom it was sought to educate were without the advantages of education because their parents had never received any education whatsoever, and never took the trouble to send them to school. If such parents were placed on the school Boards, he ventured to say that it would not be taking a step in the right direction. The voluntary schools, as had been acknowledged on all sides, had done their duty admirably, and if they were to be continued they ought to be encouraged.

MR. COWPER-TEMPLE said, he could not agree with the hon. and gallant Gentleman who spoke last, because he thought those parents who had no education themselves were often those who desired it most for their children. He thought it was a sound principle that all should have a voice in the school management who found any portion of the money, and that the school Boards should be composed partly of persons representing the subscribers, partly of persons elected by the parents whose children attended the school, and partly by nominees of the Government. Those who were interested in the operations of the school Boards were the most likely to take an active interest in the persons who were to constitute the Boards. He sympathized with his hon. and learned Friend (Mr. V. Harcourt) in the object of the Amendment; but he did not think they could adopt his words, and he did not see how they could adopt any form of words which would not be open to serious objection. He could not vote for the Amendment as it now stood, although he agreed with the principle of it.

MR. STAPLETON said, he believed that great confusion would be introduced into the Bill by the adoption of the Amendment. The concessions made by the Vice President of the Council would be quite sufficient to meet the requirements of the case.

MR. WINTERBOTHAM said, the Vice President of the Council did not really apprehend the meaning and purpose of the Amendment, which was simply that those who were to use and pay for the schools should have some share in the management of the schools. Those who lived on the spot represented very fairly the taxpayers of the country, and it was just and reasonable that they should have a legal and avowed status in the management of the schools.

MR. AUBERON HERBERT said, he thought a strong case had been made out by his hon. and learned Friend (Mr. V. Harcourt). The Vice President knew well that the subscriptions to schools were very often mere shams; and, when they were real, were insignificant in amount, as compared with the school fees and the Government Grants. It appeared to him a monstrous thing that the parents of the children who contributed so much should have so small, and the subscribers who contributed so little should have so large, a share in the management.

MR. NEVILLE-GRENVILLE said, nothing would be so fatal to the efficient conduct of a school as that the parents should have a share in managing it. The best proof of this was a case mentioned the other day, in which the inhabitants had in their hands the election of a schoolmaster, and by far the worst was chosen. If the Amendment of the hon. and learned Gentleman were adopted, the principle must be carried further; and the great public schools—such as Eton, Rugby, and Harrow—must be managed by the parents of the children.

LORD ROBERT MONTAGU said, they must keep before them the interests of education, rather than the forgotten theories of representation of two years ago. The question was how they could get the best schools, and how they could secure the best management? In many instances the parents would be labourers, hedgers, ditchers, and game watchers, who had never been to school in their lives. And were these the persons to manage schools—or was not more intelligence required than they could bring to the duty? As to their purchasing the education, they obtained three times the value they paid for. Besides, even if it were a purchase, the argument would not hold good; were those who purchased bread always to determine the size and price of the loaf? The principle set up in favour of the Amendment, was, moreover, not carried out by the Amendment itself. According to the principle, the Privy Council ought to appoint one-half the managers; for every one who contributed to the Consolidated Fund had as much right to be represented as the householders who contributed to the local rates.

SIR ROBERT ANSTRUTHER said, the opponents of the Amendment, at their wits' end for a sound argument, had invariably misstated its terms. It was not proposed that the parents should have the power of appointing or dismissing a master, or that labourers should have the supreme management; but it was thought that it might be conducive to the interests of a school if even hedgers and ditchers could have a slight voice in its management; and he hoped the sense of the Committee would be taken on the proposal. In the pamphlet of Sir James Kay-Shuttleworth, there was a statement to the effect that the small proportion which school-pence bore to the whole income of a school was a sign of the small interest taken by parents in the education of their children; that they were seldom present at examinations; and that few persons had the foresight displayed by Dr. Temple when he proposed that the parents should select a certain number of their body to act upon the school Committee. He would suggest to his hon. and learned Friend the propriety of taking the Division on the first part of the clause only.

MR. VERNON HARCOURT said, he was quite willing to adopt the suggestion.

MR. MAGNIAC said, he had made the experiment of interesting parents in the management of a school, and the results had been quite surprising. They took pride in the excellence of the school and in the master, in whose selection they had a voice; and if the Bill were carried, it would similarly enlist in the promotion of education a large number of persons all over the country. He hoped the Amendment would be pressed to a Division.

MR. GLADSTONE said, he hoped that if the Committee divided on the proposition of his hon. and learned Friend it would be on a clearer view of the case than that given by some hon. Members who had taken part in the debate. He objected *in limine* to the representation that persons who subscribed one-sixth of the expenses of a school were, by the Bill, secured the management of five-sixths of the funds. One-sixth was the proportion to which it might be possible for the managers of a school, by fortunate circumstances, to reduce their liability; but they were the persons who were responsible for all mischance, and, if anything went wrong, they must supply the deficiency. One-sixth was the minimum which was demanded from them; but that proportion might increase indefinitely, from causes partly dependent upon their prudence and partly under their control. His hon. and learned Friend endeavoured to unite two things which were absolutely incompatible. Taking the first part of the proposition, they were dealing with voluntary schools, and would the idea of a voluntary school admit of the compulsory application of a Parliamentary machinery devised by the Executive to regulate it? There was nothing in the Amendment about a "very slight" representation of the parents, and the case was not mended by thus narrowing the ground; for, if representation was to be made the basis of the management of the schools, it ought to be the predominant element in the management. How was it possible for the Education Department to work on such a clause as that of his hon. and learned Friend? If he wished to attain his professed object, and supposing there were no incompatibility, it ought to be attained not by a few words introduced into the sub-section of a clause, but by a clearly-constructed and well-developed measure. What did he require the Education Department to do? To give the parents a representation in the management of the school. And what did his proposition involve? Why, the construction, for each school in the country, of a complete electoral and representative system. Even for the purpose of attaining the limited aim of the hon. Baronet who spoke of a "very slight" representation of the parents, there must be for every school a body of representatives qualified to sit and vote, and a registered constituency to elect them. What qualification was to be given them for voting—was it that they had sent their children to school for a single day? Those questions might be termed cavils, but they were real and substantial difficulties. It was not for the Executive Government to have cast on it the duty of making a proposition practical, and to develop on it the construction of an organic section of this kind. Parliament alone ought to undertake the business of legislation such as this. He thought the proposition was one to which it was absolutely impossible to agree. He wished, with his hon. Friend, that an efficient control could be established over the schools, so that they should not fall into the hands of one class, even though it might be distinguished by munificence of management. It was desirable by all means in their power to promote and encourage a course of things by which the most competent and intelligent persons should associate themselves together for the purpose of managing the schools. But it might be relied on that no person could have a greater interest to make the school popular than the managers of them, and the hon. Member for Stroud (Mr. Winterbotham) should bear in mind that any failure on their part in that respect would be punished by heavy pecuniary responsibility, in consequence of the falling away of the scholars. Everything that could be adopted for securing the adequate association of competent persons to govern the schools on a broad and liberal basis deserved consideration; but his hon. and learned Friend, however laudable his aim, had embarked on a course for attaining it, which was shown not to be practicable; and if his hon. Friend thought it practicable, he was bound to demonstrate that such was the case by means more efficacious than a few words in the shape of a Motion which cast over the responsibility wholesale to the Executive Government.

Mr. VERNON HARCOURT said, he was glad not to have heard from the Prime Minister the language which had come from hon. Gentlemen opposite, which he called very dangerous language, and which reminded one of the celebrated apostrophe of the right hon. Gentleman, who might ask whether, after all, the children are not our own flesh and blood? He was sorry to have heard from the Vice President of the Council that the interests of the parents of the children at the national schools were only a matter of purchase and sale. That was the very basis of his (Mr. V. Harcourt's) objection to the scheme of those voluntary schools—that they allowed the patron to purchase the parents by the Government selling the interest of the parent to him for his contribution. He wanted the parents not as customers, but as purchasers. The noble Lord (Lord R. Montagu) had likened these schools to a baker's shop; and what he wanted to prevent was the noble Lord and his Friends from always making the bread, and of judging the exact quantity of alum they should put into it under the circumstances. He should like good household bread to be baked by the parents, which would be more wholesome than anything that could be produced under the monopoly of his noble Friend. It had just now been said by the Prime Minister that he ought to have drawn up a scheme to give the proposed representation; but it was impossible for him to do so, because the scheme must vary for every parish, according to the contributions of the parents and the grants from the Consolidated Fund. But what he asked for was, that the householders should have a voice in the management, because they contributed to the Consolidated Fund. ["Divide, divide!"] The question had not been discussed before, and therefore it was desirable the Committee should hear what had to be said upon it. ["Divide!"] It was of no use to try to put him down by clamour, because in so doing they would gain nothing. He was supported in his Motion by the Report of the Endowed Schools Commission, that body having recommended the introduction of one-third of the parents of the children into the school management. He warned the Committee that their Division, so far from settling the question, would be but the commencement of an agitation of the point both in and out of Parliament. In conclusion, he stated that he should divide on the first part of his Motion, and he consequently proposed to add to the end of Clause 7 the words—

"In every such school provision shall be made for giving to the parents of the children educated therein, and contributing thereto, a representation on the management of such school according to regulations to be made for that purpose by the Education Department."

Amendment proposed,

At the end of the Clause, to add the words "5. In every such school provision shall be made for giving to the parents of the children educated therein, and contributing thereto, a representation on the management of such school according to regulations to be made for that purpose by the Education Department."—(*Mr. Vernon Harcourt.*)

Question put, "That those words be there added."

The Committee *divided*:—Ayes 81; Noes 329: Majority 248.

Clause *agreed to.*

Clause 8 (Determination by Education Department of deficiency of public school accommodation).

MR. W. E. FORSTER moved that the following words be added to the clause:—

"And in considering whether a school is suitable or not, the Education Department shall have regard (among other matters) to the religious opinions of the inhabitants of such district."

MR. LIDDELL said, the question raised was second to none in importance, for on the interpretation of the clause depended the whole machinery of the Bill. The clause would give power to the Education Department to make an education Census of the whole country, and by the addition now proposed they would have power to make a religious Census over an equally extensive area, and in his (Mr. Liddell's) opinion a religious Census was opposed to the opinions of the people of this country. The greatest possible attention should be paid to the directions given for obtaining this information, as the experience we had had of the educational census which was made in regard to Manchester, Liverpool, Birmingham, and Leeds, was not such as to create unbounded confidence in such an operation. He held in his hand a letter which was addressed to the right hon. Gentleman (Mr. Forster), and which had had a considerable circulation. It was entitled "Strictures on the Reports of Education in Manchester, Liverpool, Birmingham, and Leeds," and was evidently written by a man well acquainted with the whole question. Yet he stated that the methods adopted by the Commissioners were "fallacious in the highest degree;" that it was a mystery "how the Commissioners committed all the mistakes and misrepresentations all in one direction;" that "it was difficult to speak of these Reports with patience;" and that he only "hoped we should be spared the misfortune of their being quoted as veracious and trustworthy documents." After this we should be very particular as to the instructions given to those who would have to discover whether educational destitution existed or not, and whether schools were suitable to a district. Any information we might have should at least be accurate. And he would say, in passing, there was one class of information which we did not want—namely, useless comparisons between the condition of this country and other countries, with which we had nothing to do, such as those which we often heard in regard to Prussia, where there was a compulsory system, and in America, where such a system only existed nominally. What we required to know was the amount of accommodation to be supplied, the number of children not at school, and the number for whom school aid would be required.

MR. CANDLISH expressed his regret that his right hon. Friend (Mr. Forster) should have thought fit to propose the Amendment, which implied that the Government was concerned and had to discharge a duty with reference to the religious condition of the people, while it was professed that the Bill was a secular measure. He hoped the right hon. Gentleman would reconsider the matter, or he (Mr. Candlish) would certainly ask the House for its decision on the question.

Mr. W. E. FORSTER said, he had devised the Amendment because he thought it met the views of his hon. and learned Friend (Mr. V. Harcourt), as expressed last evening by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke). When the words were mentioned last evening there were no expressions of dissent. It was intended not to interfere with any district which was found to be properly supplied already with "sufficient, efficient, and suitable" schools. If the schools in any district received Government assistance, they would become public elementary schools, and would, of course, be affected by the Conscience Clause. The question raised by the Amendment, which stood in the name of his hon. and learned Friend the Member for Oxford, was founded on the assumption that there might be some schools which might not be suitable on account of the religious teaching imparted in them. In order to obviate all difficulty on this score he had proposed the addition of the words now under consideration; but he did not think them necessary, and he should be willing to withdraw them if they gave offence to anybody.

Sir CHARLES W. DILKE said, he certainly objected to the words when they were first mentioned.

Amendment, by leave, *withdrawn*.

Mr. HIBBERT moved, at end of clause to add—"And they shall give public notice in each district of their decision in the matter."

Mr. W. E. FORSTER said, he thought the suggestion a valuable one, and would adopt it; but he would prefer inserting it in Clause 9.

Mr. HIBBERT said, he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Mr. VERNON HARCOURT proposed to amend the clause by adding to it the following proviso:—

> "Provided nevertheless that they shall not take into consideration any school other than a public elementary school which does not conform in all respects to the regulations hereinbefore provided in respect of public elementary schools, so that in every school district there shall be provided a sufficient and efficient school or schools conducted in accordance with the regulations made in this Act in respect of public elementary schools."

The hon. and learned Member said his object was to have it enacted distinctly that no school, whether it accepted a Parliamentary Grant or not, should be taken into consideration in relation to national education, unless it acquiesced in the terms laid down by Clause 7.

Mr. GATHORNE HARDY said, he thought this was one of the most extraordinary propositions he ever heard in the whole course of his life. The hon. and learned Member did not ask for anything for the schools from the Government, or from the rates. But suppose there was one in a parish where there were 200 children, and suppose those 200 children went to the school, which was perfectly fitted for their education, and that they were educated there either on Church or Dissenting principles, the hon. and learned Gentleman proposed that such a school should not be taken into consideration in reckoning up the accommodation of the district, and that an appeal should be made to the ratepayers to set up a rate-aided school to put it down. He (Mr. G. Hardy) did hope that the Committee would never listen to such a suggestion.

Sir ROUNDELL PALMER said, there was only one addition to be made to the proposition of the hon. and learned Gentleman, and that was that, when the rate-aided school was built, if the children liked the existing school better, no one should come to the new one.

Mr. CUBITT said, he thought that as the clause at present stood, too much would depend on the character of the Education Minister of the day. They might have a Minister like the present one, who would take a wide and practical view of education, and on the other hand they might have one in strict accord with the Chancellor of the Exchequer and his ideas of economy.

Mr. W. E. FORSTER said, he would not enter into the question of the Reports referred to by the hon. Member for Northumberland (Mr. Liddell). It was perfectly true that some of the facts contained in the Report of Mr. Fearon were disputed; but he was not aware that they were disputed by more than one gentleman, who had written the pamphlet to which his hon. Friend had referred. It would be surprising, indeed, if the Report of an important inquiry were not found fault with by some one; but he had great confidence in Mr. Fearon, of whose accuracy on previous occasions he could speak in the highest terms. The hon. Gentleman complained that the powers embodied in the clause under discussion were too strong; but with all deference to the hon. Gentleman he begged to say that strong as were these powers they were necessary. Government must first of all find out what was the educational wants of a district before they would be able to supply them. With regard to the Amendment of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), he quite agreed with the observation, that it was very unreasonable to enforce the levying of a rate upon a district to establish a fresh school, when the parents might be perfectly satisfied with existing schools. Moreover, they must all admit that a very considerable number of the unaided schools would not in their present condition be likely to fulfil the requirements of an efficient education. He really thought that with the protection given by the Bill, and with the advantage which would be got from the adoption of the hon. Member for Oldham's (Mr. Hibbert's) Amendment, every reasonable facility for education would be given. He hoped, therefore, the Amendment would not be pressed.

MR. WINTERBOTHAM said, the Vice President must have felt that something akin to that embodied in the Amendment now proposed was really necessary, or he would not have brought forward his own Amendment, which he had just abandoned. That Amendment provided that in every district there should be a school accessible on fair terms to the children residing in that district. The Amendment, therefore, of his hon. and learned Friend, which enacted that a school should be open to everyone on fair and reasonable terms, was not so monstrous as had been alleged. He hoped the Vice President would, upon the Report, see whether he could not make the words of the clause more definite and effective.

MR. W. E. FORSTER said, that if his hon. Friends would think upon some form of words which would effect their object without defeating the spirit of the clause, he would be glad to consider them upon the Report.

MR. VERNON HARCOURT said, all he wanted was some definition of the word "suitable."

Amendment, by leave, *withdrawn.*

MR. FAWCETT said, he should be glad to hear from the Vice President what was to be considered sufficient accommodation. He himself knew of a most efficient voluntary denominational school, which was amply sufficient for the accommodation of the district in which it was placed, and yet it was not more than two-thirds full. The Government Inspector would infallibly report that that school was amply sufficient, efficient, and suitable for the district. But, as the master had said, if compulsory attendance were enforced the numbers attending it would be doubled, and it would then become insufficient to meet the wants of the place. Now, in such a case an Inspector could not know beforehand whether the accommodation would or would not be sufficient, because that would depend on whether compulsion was or was not resorted to. He wished to ask the right hon. Gentleman whether, when the Inspector visited the various districts of the country, he would, in calculating what amount of school accommodation was sufficient, base his reckoning on the supposition that all children who were of school age would attend school?

MR. W. E. FORSTER said, the Inspectors would reckon not only the number of children who did attend school, but all those who might do so; because Clause 5 said in reference to schools that they should be "available for all the children resident in such district." One of the chief reasons why he had introduced permissive compulsion into the Bill was to prevent the inhabitants of a district saying that it would be unfair to rate them to supply schools when the children could not be forced to attend them. The clause referring to this point contemplated the enforcing of compulsory attendance, wherever such was considered to be necessary.

An hon. MEMBER asked whether the Inspectors, in estimating the sufficiency of school accommodation, would take into consideration the nature of the industrial occupations of the districts in which the schools were situate?

LORD ROBERT MONTAGU said, he thought the school age should be fixed before the Inspectors made the calculations on which the requirements were to be based, because, if children were to be compelled to be at lower schools for six years, school accommodation would be required for one in nine and a-half of the gross population; but if the period was only four and a-half years one-eleventh only would require accommodation in the school buildings.

MR. W. E. FORSTER said, that both these questions were illustrations of the complications into which the Committee would be led by trying to define what the Department was to ascertain. It would undoubtedly take into account the circumstances of each locality and its industrial employments, and how far in that respect the education provided was sufficient; but that could be done without words being inserted in the clause. With respect to the remarks of the noble Lord the school age must depend on the circumstances of each district, for if he were compelled to fix an age he should put a maximum in the Bill, and that would give an unfair impression.

MR. BERESFORD HOPE said, there was one point in connection with the clause upon which it was desirable that the Committee should have distinct information. It would be expedient to explain how far the question of a Conscience Clause would affect the claims of any voluntary school to be declared "efficient" in the Report of the Inspectors under this clause. It had been already settled that the Conscience Clause was a condition of the rate-founded schools, and a condition also of a voluntary school receiving Privy Council aid. But how far would the Vice President admit that voluntary schools, which did not and could not accept the Conscience Clause, should be reckoned as integers in making the calculation as to the sufficient educational requirements of any district?

MR. W. E. FORSTER said, the Inspectors would consider whether the education was sufficient and suitable. If any school provided education for 50 or 100 children of parents who had strong religious convictions no Member would wish to force a district to provide other accommodation to that extent.

Clause, as amended, *agreed to.*

Clause 9 (Notice by Education Department of public school accommodation required).

MR. VERNON HARCOURT moved, as an Amendment, the omission of the end of the clause, which provided for an appeal against the decision of the Education Department. He wished by the Amendment to shorten the process of bringing the Bill into operation. As the Bill stood it was proposed to send out for Returns, which would not come in until the 1st January next, and he ventured to predict that those Returns, when they came in, would be worth nothing. After the Returns came in there was to be an inspection. But if they were to end with an inspection he did not see why they should not begin with one, instead of waiting for Returns, which, when sent, could not be relied upon. If they relied upon an inspection alone, which was what the matter must come to ultimately, they would get rid of all the cumbrous machinery contained in Clauses 58 to 64, and prevent all that litigation and delay of 12 months or two years in bringing the Bill into operation which would otherwise occur. It was true that an arbitrary power would in this way be given to the Education Department; but he was willing to give his right hon. Friend the most extensive powers in this respect.

MR. HIBBERT reminded the hon. and learned Gentleman that the appeal provided in the Bill was a double one—against the decision of the Education Department where it stated that the education of the district was sufficient, as well as where it stated that the education was insufficient. He thought this power of appeal was in both ways an advantage to the district, and he hoped the clause would be left as it stood.

MR. CORRANCE said, the proposition of the hon. and learned Member was a monstrous one. The powers taken by the Privy Council were enormous, yet the Committee were now asked to take away the moderate *solatium* proposed by the clause, and arm the Government with this power upon the mere Report of the Inspector, who would be sure to take the departmental view. He was sure it would not be to the advantage of the right hon. Gentleman himself to possess this authority.

MR. W. E. FORSTER said, his hon. and learned Friend had proposed the Amendment out of kindness to him, but he hoped it would be withdrawn. The quickest way of setting to work was to procure Returns, and there would be nothing gained by endeavouring to force a rate upon a district without giving that district the opportunity of protesting against it. It was true that the Government asked for large and strong powers; but it was impossible to do the work without them, and the Government wished to make those powers as acceptable as they could to the country. There was a strong tendency in Parliament, expressed by the wish of the country, to invest the Government of the day with great discretionary power, and that was not very pleasant for the Government, which was held in check by a strong and a tight rope; and it was impossible for the Government to undertake the responsibility without the safeguards provided by this clause.

MR. VERNON HARCOURT said, if his right hon. Friend had the courage to meet the hon. Member for Suffolk (Mr. Corrance), there was no reason why he should interpose further.

Amendment, by leave, *withdrawn.*

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

## PAROCHIAL COUNCILS.

### COMMITTEE. BILL ORDERED.

VISCOUNT SANDON, in moving that the House resolve itself into a Committee, with a view to obtain leave in Committee to bring in a Bill to provide for the constitution of Parochial Councils in all parishes in England and Wales, and to define and enlarge the powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches, said, he thought the subject deserved considerable attention, and he assured the House that he had not taken it up rashly, or without due consideration. In proof of this, he might mention that some three or four years ago he had occasion in Staffordshire, at a meeting of Church of England people, to touch on the subject of what hindrances stood in the way of gaining the affections of the people of England to the Church of England, and he then ventured to say that the great hindrance was not owing to the weakness, the infirmity, or the bad feeling of any one class of men, and still less of the clergy, but to the position in which the clergy were placed in their parishes by the law. That position was one of almost entire independence of their parishioners, and was dangerous for any person to occupy. He thought that by it they lost the support of laymen which they might otherwise obtain. He was aware that objections were entertained by many persons to subjects relating to the Church of England being brought forward in the House of Commons, and the first he would notice was that that House was not a proper body to legislate with respect to the Church of England. If not, what was the proper body? Was it Convocation? In Convocation, as at present constituted, and consisting of two branches, he did not see on any side a disposition to place such implicit confidence as to lead to the belief that the country would allow the Church of England to be changed in its character by the sole action of Convocation. Another objection raised to attempting legislation in that House on these subjects was that the Nonconformists, forming an important body in that House, and in the country, would oppose any measures that tended to make the Church of England strong and vigorous. From that objection he entirely dissented. He inferred, from the education discussions which were now occupying the time of the House, that the leaders of the Nonconformists were rising above a mere desire to aggrandize their own religious bodies, and willing to operate with Churchmen to make the Church of England, within its own limits, as efficient and as truly a Church of England as possible. The third and last objection to the discussion of Church subjects in that House was that no religious matters whatever should be touched on in the House of Commons. He could not conceive a more empty and futile objection. When they saw these great questions of religion shaking all countries and communities, it would be an absurd and untenable position to maintain that such questions should not be discussed in the Legislature of this country. He trusted, then, that he had disposed of the preliminary objections to these subjects being handled by that House. And now, to proceed to explain the cause for the Motion which he was about to make, his own opinion was that within the Church of England they must always be prepared, of course within certain limits, to have a great variety of opinion, or otherwise the Church of England could not pretend to be the national Church. They must be prepared for a considerable variety of opinion, administrations, practice, and worship. In some churches there was a musical service, in others a non-musical service; in some there was much decoration, and in others none; some churches were remarkable for their ceremonials, and others eschewed all those matters. Granted, then, that, in a national Church, there must be considerable variety in these matters, who ought to decide what should be the practice in each parish church? He felt he was now on delicate ground; but, as things stood at present, there was no doubt that the incumbent had almost absolute power as to the colour and tone of the services in the parish church. That might be wrong, or it might be right; but, at present, he was only concerned with the fact. It would be an invidious task, as the House would well understand, for him to go into the position of the clergy upon his own authority; but, as it was essential to the object he had in view, he would quote from a pamphlet recently published by an able clergyman, holding an important benefice in this city, and bearing the name of Freemantle—a name always to be mentioned with special honour on the Conservative side of that House. He states as follows:—

> "It would hardly be too much to describe the position of the holder of a benefice as similar to that of a feudal baron. He holds his living as a freehold, not during good conduct. In the exercise of his office he has an almost unlimited freedom, and this freedom is not curtailed in matters which affect the rights of others. Practically, no doubt, living as he does in a self-governing country, and being amenable to public opinion, a clergyman is indirectly controlled. But if he chooses to disregard such restraints, there are hardly any others. A man may hold a benefice for 50 years, and be so idle in his ministrations that he does no good; he may act so offensively towards his parishioners that they cannot accept his offices; he may set himself against every good movement among his people; or he may, in controverted matters, by his own sole will, change every feature of the church fabric and Church services. No other public servant is allowed a discretion like this in the exercise of his office. Now, the ritual question has brought out this autocracy of the beneficed clergyman in a very marked manner. The utter helplessness of the laity has been shown again and again."

If the incumbent had all this power, how far could the Bishop or parishioners interfere with it? He would quote another passage from the same writer, who, it must be remembered, was secretary to the present highly-respected Archbishop of Canterbury during his remarkable tenure of office as Bishop of London, and who, therefore, knew the relations existing between incumbents, parishioners, and the Bishop. Mr. Freemantle said—

> "I may add a result of personal experience. When I was chaplain to the Bishop of London, the greatest difficulties were constantly occasioned not by matters of doubtful legality, but by such as were clearly within the law, and as to which the discretion rested with the clergyman alone. Such matters as the intoning of the Prayers, the chanting of the Psalms, the use of a Lectern, the introduction of the Offertory, the selection of Hymn Books, &c., would give rise to a dispute. The parishioners would come to the Bishop and would refer him to the clause in the preface of the Prayer Book which states that those who diversely take anything shall resort to the Bishop to resolve their doubts. In such cases, if the parishioners and the Bishop had had any concurrent power with the rector, the dispute might have been easily settled, the Bishop acting as moderator between the various parties. But it was found that no one had any rights at all except the incumbent; and his answer was invariably that he had no doubts to resolve, and therefore there was no need of his resorting to the Bishop. Quite similar is the case with regard to church ornaments, such as crosses, altar-cloths, the arrangements of chancels and pews, the painting and decoration of the interior of the church. It is true that, technically speaking, these matters are supposed not to be left to the discretion of the clergyman, and that not the minutest thing can be changed in the church without a faculty from the Bishop's Court. But this is a case in which the stringency of the law over-reaches itself. It is rightly felt that to go to the Bishop's Court for every little change which may be proposed is impossible; and then where is the line to be drawn? The consequence is, that one change after another is made on the sole authority of the incumbent, and this becomes so habitual that it is only in exceptional cases, and in those where actual opposition is raised that the Court is appealed to; thus, it becomes to be thought invidious to go to the Court at all."

Thus, it appeared that the power of the incumbent in his church and parish was almost unlimited, the laity and the Bishop, even acting together, having very little power to control him. He should be very sorry to diminish the rightful independence of Church of England clergymen, or to make them dependent upon their congregations, as were the ministers of many of the Nonconformist churches. They must, however, remember how clergymen of the Church of England were appointed to their livings. Had the parishioners any voice or veto in their appointment? They had nothing whatever to say, except in an infinitesimally small number of cases, in the appointment of their ministers. He did not wish to change the present system, because he thought it carried with it greater diversity of opinion, thought, and influence, and many other advantages. But, without changing the whole system, surely, the position of the parishioners required greater acknowledgment; for not only had they no voice in the appointment of their ministers, but they must always be uncertain whether perfect strangers will not appoint them; for, if hon. Gentlemen would only look over the papers of that morning, they would see 140 advowsons or next presentations for sale. Considering, then, that the parishioners had no veto upon the appointment of their ministers, and that a large number of these livings were constantly passing into different hands by sale, it was absolutely essential for the protection of their civil rights that the law should make some fresh provision by which the parishioners should have some voice as to the kind of service which was to be conducted in their parish churches, and as to all changes in their churches, in which they had all a right to a place and around which some of their dearest and tenderest recollections gathered, such associations it being of the utmost importance to the nation to cherish, instead of doing their best to weaken and destroy. His object in introducing the measure at this late period of the Session, was to draw public attention to this important subject, and, to endeavour to bring about such a state of opinion as might enable them hereafter to solve this problem in which, he believed, the national welfare was involved. He would now proceed to explain the provisions of the Bill he would ask leave to introduce. In the first place, with regard to parishes. He included under that head all legally-constituted districts with a cure of souls. He next proposed that a certain number of parishioners should be annually elected as sidesmen, at the same time, by the same constituency, and for the same period, as the churchwardens, who are elected by the parishioners. Preferring, as he did, in making changes, to keep up as much connection as possible with the institutions created by the wise and good men who have gone before us, he had adopted the old name of sidesman—finding in Cripps, *On the Laws of the Church*, that in ancient times—

> "Bishops were wont to summon divers men out of each parish to give information of the disorders of the clergy and people, and these, in process of time, became standing officers called synodsmen, sidesmen, or guestmen; and the whole office of these persons seems, by custom, to have devolved on the churchwardens."

Three should be elected for parishes below 2,000 inhabitants; six for parishes below 5,000, and nine for all larger parishes. These sidesmen, together with the two churchwardens and the incumbent, he proposed should form a Church Council; the incumbent being chairman with a casting vote. The constituency for the sidesmen, as in the case of the churchwardens, would consist of all denominations; but his Bill would require a declaration on the part of sidesmen that they were members of the Church of England. He proposed that the Council should be obliged to meet twice a year, or might be summoned by the Bishop, the incumbent, one churchwarden, or two sidesmen. The Council should have power, within the limits authorized by law, of making any changes in the accustomed manner and times of conducting the services and ministrations of the church, in the ornaments and decorations of the church, or of the minister, or in the furniture or fittings of the church. He also proposed that no changes in these matters should be made without the sanction of the Council, and that the Council should be a body corporate, having the same power of accepting and holding contributions for the maintenance of the fabric, services, &c., of the church as was given to trustees under the Church Rate Abolition Act. These were all the powers he proposed to confer on the Council; but there were one or two other details to which he wished to direct attention. He proposed that no change in any of the above matters should be made without 14 days' notice to the Bishop, which notice should also be affixed to the church door, and remain so till the change was made; that the parishioners might appeal to the Council or to the Bishop; that the incumbent should have the same appeal to the Bishop, who should give his decision in writing within one month; nor could any change be effected until those various appeals had been decided by the Prelate presiding over the diocese. If the Bishop objected, no change could be effected unless the Council were unanimous; and all matters in dispute under the Act would be taken out of the Bishop's Court and be heard by the Ordinary *in camerâ*. From this sketch of the Bill it would appear to be a simple one; but he did not wish to conceal from hon. Members that it proposed to introduce a great change into the constitution of the Church of England, and it was for this reason that he thought it best to bring it forward at the end of the Session, and merely to invite discussion on this preliminary stage, instead of trying to commit the House to any principle by a second reading on a subject which required the careful and calm consideration of the country. No one could shut their eyes to the movement which was taking place in public opinion in favour of securing for the laity more power in the Church of England. Mr. Freemantle had established a Church Council voluntarily in his own parish of Marylebone. The incumbent of Paddington was trying the same experiment, while in Shropshire two clergymen were adopting a similar course; but in these Councils, it must be remembered, there was virtually no real power in the hands of the laity; without power there was no sense of responsibility, and common action was almost impossible. It was natural to ask what was the feeling of the higher dignitaries and leaders of opinion of the Church in regard to an important movement of this kind? The Bishop of Lichfield, who must be confessed by all to have great weight in this matter, when speaking with regard to a dispute at Wolverhampton, arising out of some of those miserable subjects of Church controversy, made a remark which was well worth consideration. The House would remember that the Bishop of Lichfield was the well-known Bishop Selwyn of New Zealand. He had by his side the Bishop of Wellington, and he remarked to him that—

> "Coming, as they had done, from Australia, where the relative position of all parties in the Church were well defined, and there was mutual understanding and co-operation, it was a novelty for them to find, as in this case, the clergyman acting and the laity protesting against his acts. There the clergy and laity worked together, and mutually supported and checked each other. He, as Bishop of New Zealand, could not introduce alterations without the consent of the laity, and the clergy without their consent could not be controlled by the laity. If such a state of things were at work in the diocese of Lichfield it would be saved from much trouble and disaffection."

The Bishop of Manchester, speaking, he believed, with reference to a dispute on the subject of the surplice, had said—

> "I would wish it to be remembered that in these indifferent things, especially when the law is not perfectly clear, the great maxim, *mos prolege*, holds. It would be a most unwise, indeed scarcely a justifiable step, in a minister to thrust a change of this kind upon an unwilling congregation. 'Let all things be done decently and in order' is a great maxim; but 'Let all things be done unto edifying' is a greater; and the end of all our ministrations is to win our people's hearts, not to alienate them; to build up, not to disunite or destroy."

*The Guardian*, representing a large body in the Church, commented upon this by saying—

> "If changes are introduced without notice or explanation, and in such a manner as to imply that the congregation have no voice nor will in the matter, it was not surprising that they should resent or be alarmed at changes which seemed to be capricious, and of which they can neither estimate the extent, nor the design, nor the end. These considerations clearly point, though the Bishop does not say so, to some such arrangement as that which Mr. Freemantle, as we recorded last week, is attempting to establish in London. A Church Council in every parish would give the clergyman the exact opportunity, which is so much needed, both of explaining to his congregation the meaning of any changes he may be contemplating, and of ascertaining their views upon them. There is probably no practical reform more needed in our Church than this."

The Rev. Mr. Ryle, representing quite another party in the Church, had said—

> "I plead for the general recognition of the mighty principle that nothing ought to be done in the Church without the laity, in things great or in things small. I plead that the laity ought to have a part, and voice, and hand, and vote in everything that the Church says and does, except ordaining and ministering in the congregation."

He would venture to call one still more important witness—the Prime Minister—who, alluding in Lancashire, two years ago, to some remarks which had been made in his presence urging a greater development of the energies of the Church from within, as regarded the position of the laity, had said—

> "That, I own, is an idea to which I am very greatly inclined."

Then, referring to the Church Rate Abolition Bill, the right hon. Gentleman had said—

> "I own I considered it a great recommendation of that Bill that it would bring the laity forward in the concerns of the Church on the one hand; that it would render them more effective supporters of the clergyman, and more liberal co-operators with him in works of mercy—a matter which is very greatly wanted; and that, on the other hand, it would give a much more effective control upon the clergyman — a matter which is also, in my opinion, greatly wanted—with respect to the conduct of services of the Church, and with respect especially to the introduction of alterations in these services."

Again, he would call their attention to the second Report of the Ritual Commission which had been laid on the Table: there it is recommended that, where a few persons in a parish complained with regard to vestments, or matters of that kind, it should be incumbent upon the Bishop to take cognizance of the matter, and acting *in camerâ*, if he found the complaints well founded, to order the discontinuance of such practices. It must be remembered that, at the head of the Commission which made this Report was the late Archbishop of Canterbury (Dr. Longley), and among the other Commissioners were the present Archbishop of Canterbury (Dr. Tait), the Lord Chancellor (Lord Hatherley), the Secretary of State for War (Mr. Cardwell)—surely a body of the greatest weight. Would it be the laity alone who would be the gainers, independently of the higher benefit to the Church at large, by the change he proposed? No; he believed it would be a great advantage to the Bishops to have some constituted body to whom they could appeal in every parish as to the feelings of that parish on disputed points; and to the parochial clergy themselves he had the conviction that the gain would be still greater. One of the parish clergyman's greatest difficulties at present arose from the want of means of ascertaining the real feeling of the parishioners. He was very much at the mercy of the wealthy members of his congregation, who, on expressing an opinion, would naturally generalize rather freely and describe their opinion as the feeling of the body of parishioners. How was the clergyman to test it? He might take action upon this presumption, and alienate the best part of his parishioners before he discovered his mistake. All he knew was that a few well-remembered faces left the Church. But in the meantime he may have lost his most valuable hold upon his people. He therefore thought that changes such as he proposed, instead of complicating the position of the clergyman, would greatly add to his legitimate influence; and that the members of the Council would become, in many cases, his assistants and supporters in the good works of the parish, and would relieve him of much unnecessary labour and care. Of course, there were some people for whom nobody could pretend to legislate—such an one, for instance, as a speaker at a meeting of the Church Union, who said that the laity had their own proper place, and their place was to obey. That was an opinion which he thought very few Members of that House would endorse. Such remarks belonged to a very different age to the one we lived in, and would, he thought, be made by a very small number of the people of this country. He begged to assure the House that in bringing forward this Motion he was actuated by no spirit of hostility or ungenerous opposition to the clergy. His whole inclination, old friendships, long associations, and early training led him rather to entertain for them the highest esteem; and putting aside all personal considerations, who must not acknowledge that the clergy of the Church of England were a just object of national pride? He did not believe that any country in the world could show 20,000 men of so high a character, so highly educated, so distinguished in classics, science, poetry, and general literature, as the clergy of the Church of England. Going deeper still, he might be permitted to say that the debates of the past few days had unmistakably displayed the enormous sacrifices made by that clergy on behalf of the great cause of education—sacrifices which utterly put to shame what the laity had done—sacrifices which made the laity blush for the little they had done in comparison. And, going yet deeper, if people would only walk through the dark alleys and fetid courts of our large towns, they would find that there—in places where even the police rarely strayed—the clergy of the Church of England were accustomed to move about educating, teaching, and exhorting the people, blessing as they went, and being blessed. Taking all this into consideration, he felt that he would be worthy of all reproach if he threw any slur upon the clergy. He certainly had no such intention. All that he asked of them was that they should relinquish and cast aside the position of irresponsible power which they had assumed, and which he had always regarded as a source of weakness and not of strength. He appealed to Parliament to look at this matter as a national question. He appealed with confidence to the Nonconformists to assist him in his endeavours, for they were well aware that the Church of England could not go far wrong without the Nonconformist Churches suffering as well, because there was, happily, no hard and fast line between Dissenters and Churchmen. What affected the Church as regarded the luxuriousness of its Church service would soon affect the Nonconformists, and if there was a want of spiritual power in the service of the Church the same would soon be found in connection with those who dissented from her. The sons and daughters of both alike were acted upon in the same way, either in the direction of ultra-ritualism, infidelity, or any other thing that was hurtful to true religion. He hoped, therefore, that the House would not consider this as a mere Church question. His plan might be bad or it might be good. He did not wish them to consider the matter in the light of the Bill which he brought before them full of imperfections, as he doubted not it must be, but he entreated the House to consider whether the broad principle which he strove to lay down was not worthy of real and serious consideration. He entreated them to consider whether, in view of the difficulty of defining what should be and what should not be the worship of the national Church, the safest, the most straightforward, and, perhaps, in the long run, the most successful course was not the one he was recommending, and whether it was not best to leave the ultimate decisions of the questions he had been adverting to the decision of the people themselves assembled in their various parishes. The noble Viscount concluded by moving that the Speaker should leave the Chair.

Mr. COWPER-TEMPLE said, he rose to second his noble Friend's Motion, because it related to a subject which, even in this crowded and laborious Session, well deserved the attention of the House. No one could read the signs of the times without seeing that public opinion was fast preparing itself to deal with the question of Church reform in the parishes, to deal with it moderately but, at the same time, he hoped, effectively and firmly. There was, in his opinion, a natural sequence and connection between reform in the State and reform in the Church. The great Reform Act of 1832 was followed by a series of proposals for reform with regard to the Church of England, and he might refer, in particular, to that action of the Ecclesiastical Commission which led to such marked improvements in the parochial system, and in the organization and development of voluntary zeal. In like manner, the agitation which culminated in the recent Reform Act would now be directed to the improvement of the institutions of the Church, and to infusing into them a larger popular element. Everyone must see that much zeal was now at work in the Church. New fabrics were being erected in every direction, and abundant provision was being made for increased beauty and decorum in the decoration of the churches. Unfortunately, however, the desire to alter and improve the mode of conducting the services created jealousies, antagonism, and strife. These changes were, for the most part, in matters of detail, in respect to which the law was silent; so that under the existing system they were practically left to the decision of the clergyman. The vestry and the churchwardens might complain; but they possessed no controlling power. What was wanted was that there should be some means of ascertaining what the people who worshipped in the church desired. He thought the balance of argument was in favour of extending the concurrent power beyond the congregation to the whole body of parishioners. The position of the national Church suggested that the offer of its advantages and belongings should be given according to residence and not according to any special profession of faith. For his own part, he did not apprehend any serious inconveniences from the differences of opinion which might exist among the parishioners. His noble Friend had mentioned cases in which voluntary committees had been formed of the parishioners to express opinions on the points to which he had referred. But that was not sufficient; there must be responsibility in order to secure the full discharge and execution of those functions. To give a controlling and dispensing power to the laity would be far better than attempting to make the law more stringent, or endeavouring to secure general uniformity. In matters which so much concerned the laity they ought to have a share in the decision. It would not be well that where congregations differed in their degree of culture and in their tastes they should be compelled to submit to an exclusive and minute law. Such an attempt to govern the Church could not succeed. The organization which it wanted was a living government, capable of dealing with the circumstances of the time, and adapting those circumstances to the requirements of the people. That would, in his opinion, be a far better mode of proceeding than to seek by coercive measures to restrain all change and improvement. But, although he believed an Act of Parliament ought to be passed, giving such power to persons in parishes, still he did not at all sympathize with those people who would treat the Church of England as if she were the creature of the law or a Department of the State. He, on the contrary, looked on the Established Church as an external embodiment of a spiritual organization, which had proceeded from a Divine source and was maintained by a supernatural force; but that external embodiment, which served as an instrument through which the spiritual force acted, necessarily restricted its freedom of action, although it concentrated its force. He thought it should be the policy of Parliament to give as much freedom as was consistent with universality to the Church in its execution of the great purposes for which it was established. In a matter of common worship it was far more important that the people should have what they asked for than that the clergyman should have that which he happened to think best. The Bill, in his opinion, would give ample scope and latitude for the free action of the persons resident in each parish, and thus we might hope to see the Established Church become a better manifestation of religious impulses, and a more efficient promoter of piety and virtue.

Motion made, and Question proposed,

"That this House will immediately resolve itself into a Committee to consider of providing for the constitution of Parochial Councils in all parishes in England and Wales, and to define and enlarge the powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches."—(*Viscount Sandon.*)

MR. BIRLEY said, the principal reason for a measure of this description was found in the scandal which had been caused of late years by unauthorized changes in the ceremonies of various churches—changes made without authority, although they were dictated by good feeling, and were often in accordance with the wishes of a very large portion of the congregation. Such changes had often rent asunder entire congregations, and given infinite trouble to the Bishops of the Church. Parochial councils would be of inestimable value to the beneficed clergy of the Church not merely in aiding them in the introduction of variety into the ceremonial, according to the spirit of the times and the wishes of the people, but also assisting them in the general management of their parishes. In the North of England there were parishes of enormous extent and containing immense populations, and all the assistance which the clergy obtained from Scripture readers, Bible women, schoolmasters, and the other machinery of a parish was often totally insufficient to reach the hearts and minds of the people. He was satisfied, he might add, that a large number of the clergy themselves were most anxious for such aid as the Bill would afford. In the neighbourhood with which he was connected it had been the usage for many years to invite the laymen to confer with the clergy on matters of general interest to their parishes, and the Bishop of Lichfield had expressed his sense of the necessity which existed for such association. Now, parochial councils would, he thought, form a very useful basis for an organization of that kind. It would not effect a great organic change in the constitution of the Church, but rather a restoration to ancient usage, the powers of the churchwarden being more extensively called into requisition, as in former times, when he was required to do many things which were at the present day practically ignored. Such a measure as this would be extremely useful in taking them back to old paths; and, though he would not pledge himself to all its details, he should give to the principle on which it was founded his hearty support.

MR. T. HUGHES said, that although introduced as a very small measure, a very wide question was opened by the proposal of the noble Lord—namely, whether it was right that the nation should distinctly declare itself a Christian nation. The doctrine that the State had nothing to do except with the security of body and goods was one which, no doubt, many Members had swallowed in reading *Macaulay's Essays;* but which had given him, at all events, a good deal of trouble to digest ever since. After the recent debates in this House on education, they might fairly come to the conclusion that the English people had resolved distinctly to declare themselves a Christian nation; and, presuming that to be so, the next question was, whether the most acceptable way of making such a declaration was not by putting the Established Church in the most efficient possible state? That was a question which must be answered in the affirmative. We had in the Established Church the best means of proclaiming that which the nation wished to be proclaimed. For 1,000 years it had performed this function; and in its constitution and doctrines it was the broadest of all the Christian bodies in England, or in the whole world. It comprised among its members men who differed widely in the doctrines they held; and that was a great advantage to the country. Again, the English Church was, of all other bodies in this country, most under the control of the State. It was a thoroughly national Church. The Queen was its head; in the last resort cases affecting it came before the Supreme Courts of the country, and the ultimate Governing Body of the Church was the ultimate Governing Body of the nation, so that Members of this House, whatever their opinions, could not help being a part of the Governing Body of the Church. The Church of England, so far as he knew, was, of all Churches and all sects of Christians, the one that adapted itself most easily to the changing circumstances of the times. Her first characteristic was her wide toleration of differences of opinion on theological questions; her second a great desire for union. Within a few hundred yards of that House there met, the other day, a body of learned Englishmen of all Churches and all sects, gathered together by a summons from the Dean, to assist in revising the translation of the English Bible. What happened on that occasion? The Dean of Westminster summoned the learned persons of all denominations who were to take part in this great work. He had previously ascertained that they were ready to join in communion with the Bishops and other persons of the Church of England who were engaged in the work. There had been no altar in the Chapel of Henry VII. since the time of the Civil War. In the late restoration of the Abbey the Dean had discovered a small portion of the altar on the tomb of Henry VI. He had had it restored. He had it placed upon the grave of Henry VI.; and round that altar the whole of the translators—the whole of the learned Englishmen who had been summoned were gathered together under the auspices of the Church of England. There were members of the Church of England, there were Presbyterians, members of the Established Church of Scotland and of the Free Church, there were Baptists, there were Wesleyans, there were other Nonconformists, and there was a Unitarian minister gathered round that altar and accepting from the Church of England the Holy Communion before commencing their great work. This showed that the Church was able to meet the changing circumstances of the times, and it should be both a duty and a pleasure on the part of the House of Commons to adopt any reforms which the members of the Establishment thought necessary for the efficiency of a Church which during 1,000 years had expressed before the whole world the Christianity of the nation. In past times the Church had mistaken its work, and been a persecuting body; but now it recognized the fact that it was not a power to command obedience or to dogmatize, but to be a great storehouse of blessings for the nation and the exponent of the Divine life. Many clergymen were gathering around themselves volunteer councils and consulting them; but he agreed with the noble Lord that, excellent as this was, it did not really meet the difficulties of the Church, and if these conferences were to become valuable they must assemble under the authority of an Act of Parliament. For these reasons, he cordially supported the Motion of the noble Lord.

MR. BERESFORD HOPE said, he did not yield to his noble Friend or to anyone in his desire and in his personal exertions to bring the laity into more active co-operation with the clergy, and he agreed with the hon. Member for Frome (Mr. T. Hughes) that there existed a deep feeling of the necessity for an endeavour to make the Established Church, to a greater extent than it was at present, the Church of the nation, in action no less than in theory. He was not, however, prepared to accept the scheme of the noble Lord as the best means of attaining that end. It was a very good scheme on paper, neat, precise, and terribly uniform; but of all nations in the world, we built up our institutions on practice and experience rather than on mathematically regular theory. The jealousy of premature legislation and of overstrained regularity was one of the secrets of our national progress and of the grand successful vigour of our corporate life. It was happily true that the practice of clergy and laity taking counsel together was becoming more and more frequent around us; but, he asked, might it not be well on that very account to let this movement work itself out and spread and organize itself before we sought to crystallize it by Act of Parliament? There were Church societies, Church committees, gathering sometimes in the vestry of the church, sometimes in the clergyman's parlour, sometimes in the squire's parlour, and sometimes in the schoolhouse, growing and growing in every parish in the land; and he asked whether it was not the wisest and the most prudent course to allow the system to organize itself, as it did, throughout the country, not in one uniform shape, not by Act of Parliament, but in the particular shape everywhere into which local circumstances led it to frame itself, and relying for acceptance not on statutory obligations but upon the voluntary goodwill of flock and clergyman? The same constituency would never do for the country which would do for the towns. Frequently he believed in country parishes the clergyman would most wisely and most easily vitalize the old vestry and give it life, and, above all things, spirituality. This was being done in some instances, and it told, for our farmers, shopkeepers, and poor people knew what "meeting in vestry" meant; if they are told that they are to go to the vestry to talk about the organ, or new hymns, or a second sermon in the afternoon, they feel themselves at home. When such things are to be considered, are consulted in the vestry; they feel that the clergyman is taking them into council on mutual terms. On the other hand, if there was to be a new law, a new system of election, and a new body, the name of which had not been heard before, they would shake their heads, they would not understand it, or else they would think there was something strange and wrong about it—they would not trouble to vote at the election, or they would get up a contest in a suspicious spirit; and either the council would become a matter of parochial brawling or else a "ticket" would be elected, because people would not take part in the election and make it a reality. If more than a vestry was needed, goodwill in a parish would create that something more; but still he would rather, in the country districts, stick as long as possible to the old name and thing, and let the vestry become something more than a mere taxing machine. Then let the House consider the very different case of the towns. By the necessities of the case the Church of England in the large towns was becoming congregational, and ceasing to be, in the old absolute sense, parochial. ["No, no!"] He said yes; and he would tell the House why. In all the parishes there was a variety of tastes and opinions; all the speakers in this discussion had admitted that with great liberality and candour, and they had admitted that that variety of taste was not to be snubbed, but rather to be encouraged. It was impossible that all the people in our large parishes should think alike as to the forms and services of our happily-elastic Prayer Book; it was impossible that they should all think alike as to the character or length of the services, or that they should all like the same hymns. In the country, from the non-accessibility of any other church, the wise clergymen and the well-conditioned congregation gave and took and hit off some compromise. But in the towns where one class of church was available within a quarter of a mile, and another class as near in another, there was no call for that compromise; common sense and common charity dictated, within due but liberal limits, the indulgence of every kind of laudable taste in worship. Those who preferred one kind of service went to one church, and those who preferred the other went to another. This might not be a development of our strict legal and parochial system; but he believed it was consonant to common sense and to the spirit of the times, and that it led to a deeper unity and to a greater spirituality in Churches. But then he did not wish to see these churches divested of their parochial responsibilities and of the legal accidents which pertained thereto. It was the union of the congregational character with the maintenance of parochial rights, in which consisted the peculiarity—the anomaly if they would—but, as he contended, the real safeguard of the town Church of England of our days, for the Church in the cities had stratified itself—if he might use a geological term—in different formations: if upon this semi-congregational system you were to impose, as his noble Friend wished, a rigid system of parochial councils, you would introduce a "fault" which would cleave and crumble the strata. But passing from the parishioners, what would the effect of this Bill be upon the clergyman? In one parish the people, dissatisfied, perhaps, with the ministrations of their clergyman, had gone to the next parish, while the people of the next parish, for the same reason, had come into theirs. What would be the result of this Bill if it imposed upon both these good men an alien council of persons, the order of whose religious life proved them in either case to be exactly those men who were least suited for the post? Would it be nothing to the good earnest man, whose heart was in his pulpit, but who cared little for musical services, to be required by the council of his parish to carry out a full choral service? And would it not equally tend to discourage the clergyman, who, while equally attending to his preaching, believed that he but attuned the hearts of his flock to communion with the Most High by all the glories of sacred beauty, to be nailed down by the council of his parish to a severe simplicity? Both these clergymen would be doing a good work in a different way, and in either case the council would spoil that work without the power of finding an equal substitute. These Church councils, supposing it was a right thing to create them, must in the towns be congregational councils, and then the system must be allowed to develop itself gradually, by mutual gravitation rather than by Act of Parliament, or else the matter would not be put on its right footing. It would be affectation to deny that the question had been pushed into prominence by the development of so-called "Ritualism." On this head, while deploring the absurdity of many of its manifestations, he was bound to state that it was a perversion of fact to denounce them, as was often done, as instances of sacerdotal tyranny. On the contrary, they were often examples of lay tyranny, brought broadly to bear by an exigent congregation upon a not very willing clergyman. The leaders were laymen—often men of the less opulent professional class, whom it had hitherto been so difficult to get at all to church—under artistic influences, and it was often the congregation who urged the clergyman on. Well then, if there was a Church remarkable on one side or the other for practices not strictly within the Rubric, but acceptable to the congregation, the result would be, should a parochial council put an end to them, that the congregation would secede to a private chapel of their own. There was too much tendency already to lean most to proprietary chapels; and if, as he feared, the forced creation of parochial councils fostered the tendency, the increase would be a great and lasting importance to the Church. He repeated that if there were to be Church councils in the large towns they ought to be congregational and not parochial councils. On these grounds he doubted whether the Bill of his noble Friend would meet the evils they were all anxious to avert, or foster the good they were all striving to develop. He would remind his noble Friend that what he wished to accomplish—lay co-roperation — was already in course of being done. The stone was rolling; the question was in the atmosphere. It was shaping itself, not merely in the parish, but in the archdeaconry and the diocese. It was agitated at Church congresses, at Church associations, at Church unions, at Church assemblies of every kind and degree. He thought the question had better be left to be fought out in the arena of voluntary discussion than be stamped out by Parliament at this stage taking formal action, and prematurely adopting too narrow and rigid an organization without the due consideration of local circumstances.

DR. BALL said, he did not intend to enter upon a discussion of the general question; but to express his opinion that the law in relation to this subject was in a most unsatisfactory state. The Bishops were often blamed because they did not take immediate action when complaint was made to them of the introduction of new and objectionable practices in the celebration of Divine worship. The truth was, that the Bishops had very little power in the matter, and if a complaint was brought before them, the only answer they could safely make was, that this was a legal question, and that it had better be brought into Court, and tried before the Vicar General. In England, the procedure in the Ecclesiastical Courts was tedious, full of technicalities, and attended with enormous expense. The cost of two or three proceedings recently instituted to decide subjects of extreme simplicity as regards the material question involved were so erroneous as to constitute a reproach to the law of England in connection with this matter. In Ireland, they had had some experience on the subject, which pointed out a mode of remedying the evil he adverted to. In 1865, the Irish Bishops, with the assistance of Lord Palmerston's Government—and there was never a Government which, in connection with the Church, whether as regards its patronage or policy, was more deserving of the confidence of those connected with the Church—framed a measure, which cheapened and simplified the whole procedure of the Ecclesiastical Courts in Ireland. He had experience of the working of that measure, and he knew if it were adopted in England all the expenses and procrastination complained of might be got rid of, power being given to the Bishop in the first instance, analogous to that which the visitor of a College possessed, to proceed in the matter, and a reference being given to a Court, in which clergymen and laymen were joined, for it would not be right, in his opinion, that the ultimate tribunal should consist of ecclesiastics only. If in addition to such an arrangement a simpler mode were established of appealing to the Privy Council, the public mind would be satisfied, and the demands now made would cease.

MR. GLADSTONE: Great harmony of feeling and opinion, generally speaking, appear to prevail with respect to the Motion, and I congratulate my noble Friend who made the Motion (Viscount Sandon), and my right hon. Friend who supported it (Mr. Cowper-Temple), on that harmony, because it is due to the spirit with which they approached the subject. The speech of the right hon. and learned Gentleman who has just sat down, led us into a field of great importance, into which, however, I will not enter, because I believe the present object is rather to prevent mischief than to apply legal remedies. The noble Lord has frankly, and, as I think judiciously, explained that his object is to draw the mind of Parliament and of the country to the consideration of the question, with a view to the adoption of some measure at a future time. He has spoken modestly of the degree of power possessed by himself as an independent Member; but I do not think it would be in the power of any person, however experienced, or even of any Administration, to frame a measure on a question of this kind which can be passed in the present Session. The public mind must first be prepared for legislation on the subject. Legislation must be the result of gradual action in the public mind—weighing the difficulties and advantages of both sides of the question, gradually adopting the best methods of procedure, and, finally ,happily arriving at some satisfactory conclusion. What we have now to consider is the general justice of the proposition of the noble Lord. As I understand him, his complaint is that according to the system of the Church of England the sole power of the clergyman is a great evil and grievance. The noble Lord has carefully guarded himself with respect to the position of the clergy. No one who listened to him could suppose that he was either actuated by a spirit of hostility to their Order or disposed to do injustice to the very remarkable personal qualities of the body who claimed as a right the legal position of clergymen apart from the merits of clergymen themselves. The noble Lord takes ground I am not prepared to contest. Long before the election speech which he quoted of mine—20 years ago—I did, as a member of a voluntary Church in Scotland, urge on my fellows in that Church the expediency and desirableness of introducing lay power into the government of that Church. Therefore, I am quite prepared to accept the general principle of the noble Lord. I think this sole power is an evil and a grievance. Occasionally we find that it places in the hands of the clergyman the means of precipitate or ill-judged measures, taken upon his own responsibility alone, which constitutes a real mischief, and causes dissension amongst his parishioners. Occasionally, too, it happens that measures are taken, not in themselves ill-judged, but which become unacceptable and causes of difference, simply because they appear to proceed from the arbitrary will of the clergyman, and carry with them the stamp of no previous general concurrence. On the other hand, it is also true that the example of theoretical excess on the part of the clergyman frequently means an actual deficiency of practical power. It tends to narrow the clergyman's legitimate sphere of action and his power of falling back on the concurrence of the people in cases where it would not be difficult to obtain it, and where, if obtained, it would be of great value to the object he has in view. Therefore, as regards the general proposition, that this sole power of the clergyman ought to be modified and to some extent transferred to others, while its exercise may be controlled and strengthened, I do not question it. Undoubtedly some difficulties may arise; I, for one, think there is a good deal of weight in what has been stated by my right hon. Friend who seconded the Motion (Mr. Cowper-Temple), and by my hon. Friend the Member for the University of Cambridge (Mr. B. Hope). It is not necessary for me to enter into detail on that part of the subject. It would be anticipating difficulties which have not yet arisen. By degrees, no doubt, as we come to deal with the question and contemplate practical results, we shall discover the means of circumventing those difficulties. I am not prepared to accede to any general rigid proposition as to the mode in which parochial councils are to be elected. There is no doubt, on the one hand, that where possible it is extremely desirable, without drawing any distinction by way of subdivision, to maintain the old relation of the parishioners to the Church. On the other hand, there is an equal necessity of admitting that in the condition of many of our parishes, with the vast populations they contain, and the great diversities of thought and of opinion that must be found among them, there would be extreme difficulty, and even danger, in attempting to deal with them as absolute ecclesiastical unities for the purpose of impressing uniform character upon the usages of worship in matters fairly open to difference of opinion in all Churches found within their limits; and my hon. Friend pointed out with great justice that a danger lies there in this respect—namely, that if you endeavour to apply undue pressure, if you endeavour to narrow the liberty congregations ought to possess, and which our object should be not to narrow but to confirm, from the action of a body elected in a great degree by those who do not belong to the congregation and never enter the church, and do not care for the worship except to interfere with it, you will produce a very strong tendency on the part of that portion of the community of different colour and views to avail themselves of resort to proprietary chapels in which they would escape from all parochial responsibility, adopt a purely congregational system, and at the same time probably claim for themselves the power of more extreme development in respect of ritual, preaching, music, and whatever else might be in question, than any to which they had yet reached. But that is a matter which we are not bound in any manner to attempt to settle at the present moment. It is enough to introduce the general principle, and the proceeding of the noble Lord, as I understand it, is founded on the principle that it is desirable at once to confirm and control the power of the clergyman by enlarging the body through means of which it is exercised. The noble Lord has told us of Mr. Freemantle, who deserves great credit for bringing the public mind to the consideration of this question, having himself in his own congregation endeavoured to see what by his own resources he can effect in rallying around him a well-organized body of parishioners for controlling and assisting him in the administration of his parish. I think there is extreme reason and good sense in that method of proceeding, and any of the clergy who are disposed to follow Mr. Freemantle's example, and arrange for themselves councils, assemblies, parochial synods—call them what they like, for the purpose of consolidating union between lay and spiritual action in the government of their parishes, will bestow on us an important service, and by the result of their voluntary efforts may throw much light on the practical bearing of the question, and assist Parliament in its deliberations when we come to endeavour to legislate in regard to a matter of so much importance. The noble Lord has said he has been for some time engaged on this question of very great interest. For my part, as a Member of the Government, I feel that the noble Lord has been discharging a most useful function in preparing and breaking the ground on this question. It is a mistake to suppose the end we have in view is easy of attainment. I am prepared to find—partly, perhaps, from the nature of the case, partly from the jealousies with which this subject is surrounded—considerable difficulty in our way; but I believe he has taken the right course with regard to initiative measures for having brought into notice considerable public evils, and likewise public evils we may have power of averting not merely as something to limit, control, and repress, but something we may convert into agencies of good and strength, and great utility to the ecclesiastical institutions of the country. So far as the Government are concerned, we shall readily support the Motion of the noble Lord.

MR. ASSHETON CROSS said, he was glad the Government did not intend to oppose the introduction of the Bill; not that he wished to see it carried into a law in its present form, but in order that the subject might be ventilated. The whole discussion reminded him of the saying of the Dean of Chichester, who had done so much good for the Church. When asked how he contrived to manage his parishioners so extremely well, he replied—"I manage my parishioners! I do nothing of the sort; they entirely manage me." That was practically true, and all wise clergymen should endeavour to follow the Dean's example. A century ago, the country was dead, so to speak, to all religion, and it was the clergy who first started its revival, and in consequence of their great exertions, they had had heaped upon them duties which, in his opinion, ought to have been undertaken by the parishioners. They did not now wish to have all the power taken out of their hands; but all that was wanted was to get these parishioners thoroughly interested in parochial work, and to work with them in every way. That could not be effected by Act of Parliament, but only by a good feeling existing between the clergy and the parishioners; and he hoped they would find that their interest was so to work together as to render legislation upon the subject unnecessary. He felt satisfied the Motion had been made from no party feeling, but from a desire to prevent clergymen adopting practices contrary to the wishes of their parishioners, and which all must deplore. He was quite sure that public feeling was growing to such an extent that clergymen were gradually beginning to see that they must consult the feelings of their parishioners if they wished to win their feelings and save their souls. He believed the clergy would more and more consult the feelings of their parishioners, and he was sure the country would find that the revival of sidesmen to act as churchwardens in the performance of their early functions would have the greatest possible effect.

VISCOUNT SANDON, in reply, said, he wished to thank the House for the kind way in which they had received the subject, which he wished to apologize for introducing at a time when they were so busy with another topic. He had introduced it in no party spirit. He trusted the hon. Member for Cambridge University (Mr. B. Hope) would do him the justice to acknowledge that he did not wish to exalt the authority of the parishioners at the expense of the clergy. His object was that a clergyman who should be appointed to a St. Albans, Holborn, or to a Low Church, should not be able to make great changes without the concurrence of his congregation. It would be presumption in him to ask the House to express an opinion on the details of his measure; he was satisfied with the general expression of opinion he had elicited in favour of its principle. He was especially glad to find from the cheers that came from the Nonconformist Members that when a question affecting the Church of England was started they were ready to listen with respect, and to treat the Church with as much tenderness as if it were their own. In conclusion, he thanked the Prime Minister for the support he had given him.

Question put, and *agreed to.*

Matter *considered* in Committee.

(In the Committee.)

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for the constitution of Parochial Councils in all parishes in England and Wales, and to define and enlarge the powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches.

Resolution *reported:* — Bill *ordered* to be brought in by Viscount SANDON and Mr. COWPER-TEMPLE.

## EAST INDIA COMPANY.

### MOTION FOR AN ADDRESS.

COLONEL SYKES: Sir, I have to present a Petition signed by 129 officers, late of the East India Company's Armies in India, praying for redress of grievances. I was in hopes that the Petition might have been printed with the Votes, and in the hands of Members this morning, and that the Members might have been cognizant of the specific grievances and their nature; but, the forms of the House not permitting it, I fear I shall have to trouble the House at greater length than I intended. Since the Address of this House to the Queen on the 2nd of May, 1865, a General Election has taken place, and above 200 new Members have taken their seats. It is due to those Members to offer some explanation of the origin of the grievances of the Indian officers, and their repeated appeals to this House for redress. Before the Mutiny of the greatest portion of the Bengal Army in 1857, the East India Company had three armies embodied—those of Calcutta, Madras, and Bombay, comprising a body of 5,338 European officers, including the medical service, and 287,782 men of all arms. The system of promotion of the European officers was by strict regimental seniority up to the rank of major, when the field officers were thrown into line seniority. Notwithstanding the reputed insalubrity of the climate of India for European constitutions the senior officers would not die, and they were too poor to resign, and there was an absolute stagnation in promotion, and lieutenant-colonels of above 40 years' standing and majors of 37 and 38 years' standing were numerous, as instanced in the following extracts from the Indian Army List of 1841, and which had existed for years previously:—

> "BENGAL ARMY.—Colonel Pattle, of 43 years service; Major John Graham, 72nd Regiment 37 years; Major Richard Home, 73rd Regiment, 37 years; Major George Young, 68th Regiment, 37 years; Major Edward Gwatkin, 13th Regiment, 37 years.
>
> "MADRAS ARMY.—Major R. B. Hutchins, 51st Regiment, of 35 years' service; Major Henry Moberly, 49th Regiment, 36 years; Major Charles Snell, 30th Regiment, 35 years; Major C. J. Grant, 52nd Regiment, 35 years; four Lieut.-Colonels of 41 years.
>
> "BOMBAY ARMY.—One Lieut.-Colonel of 44 years' service, and 3 of 40 years; Major W. Ogilvie, 26th Regiment, 38 years; Major Stratford Powell, 2nd European Regiment, 33 years; Major Christopher Newport, 23rd Regiment, 33 years.

This state of matters occasioned not only great discontent, but was highly detrimental to the public interests, as it kept worn-out men in India who were no longer fit for field service. Well, Sir, the officers generally appealed to the Court of Directors to withdraw the interdict which had existed since 1793 against buying out seniors, and the Court, with the consent of the Board of Control, and, therefore, of the British Government, transmitted the following despatch to the Government of India, dated 29th November, 1837, and published in Government General Orders, 2nd May, 1838:—

> "1. Government consider that the practice which has for some time obtained, although now for the first time brought to notice, of inducing time-expired officers under the rank of Lt.-Colonel to retire from the service, must conduce to the contentment of the officers and to the efficiency of the army. . . . .
>
> "2. We see no necessity for interfering with the arrangements which the junior officers of a regiment may make in individual cases for adding to the comforts of a senior officer on his retirement from the service upon the pension to which he may be entitled.
>
> "3. The Regulation of 1793 requiring officers upon retirement to make oath that they have received no pecuniary consideration for quitting the service, has not been enforced by us in any single case of retirement in England during the period of nearly 40 years which has since elapsed." . . . .

The purchase system being thus sanctioned, the manner in which the buying out of regimental seniors was as follows :—A fixed sum was to be given to the regimental major on his retirement—usually in an infantry regiment, £3,000; but I have known as much as £7,000 paid to a lieutenant-colonel in a cavalry regiment; and Major General Pears, now Military Secretary at the India Office of the Madras Engineers, received £6,000 on his retirement. A smaller sum was to be given to the senior captain who retired—the contribution gradually diminishing with the lower standing of the next officer. The exact sums are stated in the Petition which I have presented. In like manner, the sum each officer was to contribute was fixed. The senior captain, who succeeded the retiring major, had to pay the largest contribution of any officer. The Petition states the next captain somewhat less, and the other officers of the regiment a gradually diminishing sum, according to their seniorship — the senior ensign £80 and the youngest £10. The Petition states the detailed sums, which accumulated made up the sum of £3,000 to be paid to the retiring major, and this was called his "expectation." The following is the scale of contributions in a Bengal Infantry Regiment; but the scale slightly differed in the different armies; indeed, in the same army:—

Payment or bonus to each Officer on his retirement in the Infantry—

| MAJOR. | CAPTAINS.—1st | 2nd | 3rd | 4th | 5th | 6th | LIEUTENANT. |
|---|---|---|---|---|---|---|---|
| £3,000 | £2,000 | £1,800 | £1,600 | £1,500 | £1,350 | £1,200 | £1,000 |

To ensure these payments, the following were the usual contributions according to regimental seniority :—

| No. | Rank. | Amount to be paid to the Retiring Officer. | Amount to be paid by each Officer Junior to the one Retiring. |
|---|---|---|---|
| | | RUPEES. | RUPEES. |
| | Major | 30,000 | |
| 1 | Captain | 17,700 | 12,300 |
| 2 | | 15,320 | 2,380 |
| 3 | | 13,730 | 1,590 |
| 4 | | 12,540 | 1,190 |
| 5 | | 11,590 | 950 |
| 6 | | 10,890 | 700 |
| 1 | Lieutenant | 6,890 | 4,000 |
| 2 | | 5,550 | 1,340 |
| 3 | | 4,650 | 900 |
| 4 | | 3,950 | 700 |
| 5 | | 3,410 | 540 |
| 6 | | 2,930 | 480 |
| 7 | | 2,530 | 400 |
| 8 | | 2,180 | 350 |
| 9 | | 1,880 | 300 |
| 10 | | 1,680 | 200 |
| 1 | Ensign | 800 | 800 |
| 2 | | 530 | 350 |
| 3 | | 280 | 250 |
| 4 | | 100 | 180 |
| 5 | | | 100 |

This practice continued without interruption, and with the sanction of the authorities, until the transfer of the armies of the Company to the Crown in August, 1858. Act 21 & 22 *Vict.* c. 106, which passed the House of Commons, contained the following clause :—

> "On the Transfer of the Indian Government to the Crown by Act 21 & 22 *Vict.*, c. 106, s. 56, August 1858, taking place, the following guarantee formed part of the Act, and was repeated in Act 23 & 24 *Vict.*, c. 100, 20 August, 1860, and is called Henley's Clause :—
>
> "And be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company.
>
> "And the advantages as to pay, pensions, privileges, promotion and otherwise . . . . shall be maintained in any plan for the re-organization of the Indian army."

This Act was passed by the Conservative Government of Lord Derby, and his Lordship, in introducing the Bill into the House of Lords on the 15th July, 1858, made the following declaration :—

> "The Bill also provides, as far as it relates to individuals and bodies, that they shall have reserved to them all rights, privileges, and expectations which they were led to form at the time of their admission into the service."

The House will recollect what the "expectation" of a regimental officer was—that he should get £3,000 from his regiment when he retired as major.

Here was a pledge of the Prime Minister. In August, 1860, Lord Palmerston, being then Prime Minister, and Sir Charles Wood, Secretary of State for India, the Act 23 & 24 *Vict.* c. 100, was introduced; and to make surety doubly sure, Mr. Henley, the Member for Oxfordshire, insisted on the insertion of the Guarantee Clause of the former Act, and this clause is popularly known as the Henley Clause. Sir Charles Wood accepted the clause, and assured the House—

> "There will be no change in the position of the officers, and to give them assurance of that I am willing to accept the Amendment of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), with respect to the rights and privileges of the officers and soldiers of the local Army of India."

Well, Sir, the House will learn with surprise how the above pledges and promises have been fulfilled. The bonus or purchase system had continued to the advantage of the public service, when it pleased Sir Charles Wood to establish at each Presidency a Staff corps of officers, in which promotion was to take place by length of service, and not by regimental seniority. These Staff corps officers—some 2,213—were withdrawn from regiments in which promotion by seniority and the buying out system existed. But, as the Staff officers obtained their promotion independently of buying out seniors, they, of course, would not contribute to their respective regimental funds, and the remaining officers in each regiment being too few in number to make up the requisite sum to induce a senior to retire, the bonus system fell to the ground, and the contributions that the officers had previously made were practically confiscated by an act of the Indian Minister. So much for the fulfilment of the promises of the Conservative Minister respecting "expectations," and of Sir Charles Wood that there would be no change in the position of the officers. But this is not the only breach of promise; the names of the Staff officers were left in the cadres of their respective regiments as blocks to promotion, and the result was, that as they got their promotion by length of service, they superseded their seniors in their own regiments.

The local regimental officers, who had spent their money—upon which most of them had to pay the high interest of 9 per cent to the banks—in buying steps with the authority of the Court of Directors and the British Government, applied for compensation for their losses, caused by a voluntary act of the India Office and British Government, and were told they had not any claim. The reply caused general indignation, and Petitions to the House of Commons were poured in to the number of 712, humbly praying for redress. On the 2nd of May, 1865, the attention of the House of Commons was called to these Petitions by Major—now Colonel—Jervis, Member for Harwich, and myself, and other Members, and the following Address to the Queen was voted, notwithstanding the opposition of the Conservative Government:—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to redress all such grievances complained of by the Officers of the late Indian Armies as were admitted by the 'Commission on the Memorials of Indian Officers' to have arisen by a departure from the assurances given by Parliament by 21 & 22 *Vict.* c. 106, and 23 & 24 *Vict.* c. 100."

Consequent upon the Resolution of the House of Commons of the 2nd May, 1865, Lord Cranbourne, in his speech to the House, 6th August, 1866, used the following language, but not until 14 months after the Address had been presented:—

> "But, putting the guarantee aside, I think it is clear that if your servants have been largely damnified by any sudden or unexpected act of yours, the principle that is and ought to be observed in every branch of the public service is that we ought to do something to compensate them. And, assuredly, if there is any branch to which we should desire to apply that principle it is to those who risk their lives in our defence. Viewing the matter in that light, and not in the least questioning or attempting to reverse the decision of former Governments, we still thought it our duty to attempt in some way to meet the complaints of officers on this head. Now, the House will observe that the subscription of a bonus had for its immediate object to get a step of rank. That step carried with it increased pay; therefore, the object of that subscription was to a certain extent obtained."

But, Sir, that is a mistake—a 10th Lieutenant had to pay for 10 steps before he got his company, and all this time was out of his money. Lord Cranbourne continued—

> "The officer got his advance in rank, and, of course, increased pay earlier through the subscription than otherwise. If he had not purchased out his superior officer, he would have had to remain longer in his inferior grade. Therefore I say the Indian officer has already got to a certain extent compensation for his subscription. We have no intention to pay that over again; but our proposal is this — We understand it is stated by

several officers that they have not received full compensation in that way—that they paid a very much larger sum than they had any immediate chance of receiving, in the hope that when they came to retire they would receive compensation from the subscriptions of their junior officers. Our proposal is that in each Presidency a committee shall be appointed which, as soon as an officer retires, shall inquire into his case in order to ascertain how much money he is really out of pocket in payments to officers who have retired, and the loss, whatever it be, the Government propose to make good to him. [An hon. MEMBER: With interest?] No, not with interest. Considering the enormous stimulus to promotion that has taken place, the many advantages that officers have received, and that you never in practice give compensation to public servants for the whole of their loss, we think that interest on neither side should be allowed—either for or against the officer. The House, and especially those hon. Members who take an interest in Indian matters, may wish to know what this operation is likely to cost. We have had it calculated by General Hannyngton, a very competent authority on such a subject, and his view of the matter is, that it will cost about £160,000, extending over 20 years, or £8,000 per annum."—[3 *Hansard,* clxxxiv. 2092.]

Whereas only £90,000 has been claimed by 212 officers, and less than £20,000 paid. To carry out these views the following instructions were sent to India by Lord Cranbourne, dated 8th August, 1866:—

"With this view, the following course will be adopted:—

"A committee will be formed at each presidency, for the purpose of investigating and reporting upon claims of this nature on the part of officers, borne on the strength of the Indian army on February 18th, 1861.

"An officer proposing to retire from the service, or having retired since February 18th, 1861, and being below the rank noted [if in the artillery or engineers, below the rank of colonel commandant. If in the cavalry or infantry, below the rank of regimental lieutenant-colonel] at the time of retirement, will submit his claims to compensation for the loss of sums subscribed for the purpose of assisting his seniors to retire, through the usual channel, to the Government of this presidency, by whom they will be referred to the above committee. He will submit, at the same time, a declaration, upon honour, as to the sum of money, if any, that he has received, or expects to receive, from the officers of his cadre on retirement.

"It will be the duty of the committee to ascertain, with all possible accuracy, the following circumstances:—

"1st. The number of retirements among his brother officers to the purchase of which the officer had contributed up to February 18th, 1861. This will, of course, not include arrangements which may have been made with officers transferred to the invalid establishment.

"2nd. The amount ascertained to have been actually paid in each case by the officer in question to the retiring officer.

"These facts may be gathered from the statement of the officer himself, supported by such proof as the committee may consider sufficient; but it will be competent for your Government, in communication with those of Madras and Bombay, to lay down any general rules that you may think fit for the guidance of these committees.

"The above sums will be placed to the credit of the officer in each case.

"On the other hand, the committee will estimate the value in money of the advance in rank or position which accrued to the officer from the above arrangements, and will debit him therewith.

"The balance, reduced by the sum, if any, which he may receive from the officers of his cadre on his retirement, and, in the cases of officers who have already retired, by the value of any special annuity that may have been granted to them in addition to the regulated pension, will be paid to the officer on his resignation of the service appearing in orders, provided, in the case of the cavalry, infantry, and Staff Corps, such retirement or resignation takes place before he attains the rank of regimental lieutenant-colonel, and, if in the artillery or engineers, before he attains the rank of colonel commandant.

"Special periodical reports of the sums so paid will be made to Her Majesty's Government.—I have, &c., (Signed) "CRANBOURNE."

With respect to the sums paid to officers transferred to the invalids, the following were the orders of the Government of India:—

"10. No sums paid to officers transferred to the invalid establishment can, under the orders of the Secretary of State, be credited to an officer under any circumstances; and in all cases deductions from sums due under paragraphs 6 or 7 of this order, must be made to the extent of any amount the retired or retiring officer may have received, or may receive, from the juniors of his regiment or cadre, or from his regimental retiring fund, and also on account of the value of any special annuity a retired officer may have received in addition to his regulated pension."

Now, Sir, it mattered not to the officer who had paid his money to remove a senior, where that senior resided—whether in India, London, or Jericho; he was not the less out of pocket. In regard to giving extra pensions, the following are extracts from the Report of the Royal Commission, 1863, on the grievances of Indian officers, showing the reason why the extra pension was given:—

"Par. 54.—As regards the 'complaint' as to the course pursued by Government to encourage retirement from among the senior officers of the cavalry and infantry, in consequence of the very large reductions in the number of the native regiments, there were a number of Lt.-Colonels and Majors for whom it was impossible to find employment. These officers would in ordinary course reach to the rank of full Colonel, and so become entitled to Colonel's allowances. It was considered that by offering them an addition to the pension on, which, by their length of service, they were entitled to retire, they might be induced to retire, and so that a considerable boon would be conferred on the officers who should remain.

A scale was therefore framed, fixing the sum to be offered to field officers below the rank of Colonel, as an inducement to them to retire. The amount varied according to the standing of those to whom it was to be offered, and to officers who were of a standing which made it likely that by remaining in the service they would soon become full Colonels, an additional pension was offered, amounting to £550 per annum; to those further removed the sum was less, descending as low as £200 per annum; and if as many as 300 officers should not accept these terms, they were to be offered to Captains of 25 years' standing and upwards."

Now, Sir, as at this date, 1863, the bonus or purchase system was declared illegal—contrary to fact, however—by Sir Charles Wood, the giving extra pensions as an equivalent for the money, confiscated in the abolition of the bonus system, could not for one moment have been contemplated. The extra pensions were entirely for the advantage of the Government to save money in India.

And now I beg to put the results before the House. The generous and high-minded character of Lord Cranbourne—now Marquess of Salisbury—puts the "initiation" of the sordid devices in the despatch of the 8th August, 1866, to reduce the claims of officers for compensation, out of the question—and these devices must have originated with subordinates—devices which have rendered the proposed redress a mockery. The complaints of the officers are—1st, that the expectations of the regimental officers are not to be fulfilled; 2nd, that deductions are made from money actually out of pocket for what is called accelerated promotion; 3rd, that officers are refused credit for the sums they contributed to remove officers from their regiment to the invalids; 4th, that they are refused altogether any compensation in case they have received an extra pension; which had no relation or connection whatever with the bonus system—the extra pensions having been given for the advantage of the Government and unsolicited; 5th, that officers who paid sums after 18th February, 1861, are refused all compensation. In explanation of these grievances. I have made the House aware of what "expectations" means. When an ensign joined a regiment, he expected, on his retiring as a major, to receive £3,000 from his brother officers in case he had subscribed to the bonus or purchase funds, and this was the expectation promised by Lord Derby. 2nd. With respect to deductions on account of accelerated promotion, a legal Member of the House, who is unhappily called away from London by county quarter sessions, declares them to be illegal. For illustration—In case I paid premiums to an insurance society, to secure a stipulated sum at a fixed date, and on demanding payment was to be told I could not receive the stipulated sum, but that my premiums would be returned to me with deductions—I presume such an act would not only be illegal but fraudulent. This is precisely analogous to the premiums or bonuses paid by officers to insure a payment of a fixed sum on the occurrence of a certain event. Again, would a gentleman who buys a commission in the Royal Army, and, subsequently, a commission of a higher grade, and who, after a few years, desires to sell, be told he could not receive the whole amount of the money he had paid because he had accelerated promotion and had received increased pay? Moreover, in case the purchase system were abolished in the Royal Army—as the bonus system was abolished in the Indian Armies — would the most economical House of Commons refuse compensation for the money laid out in purchasing? I will just show how unjustly this deduction system has acted—and two or three instances are as good as 100. I hold in my hand a Parliamentary Paper, No. 90, of 1870, showing the ranks and names of those officers who have claimed a return of their bonus contributions—124 Bengal; 51 Madras; Bombay, 37; total, 212.

BENGAL.—Major A. le Gallais, claims £258—nil, his increased pay exceeded his claim; Lieutenant-Colonel A. Parsons, claims £420—is made a debtor to the Government because he has an extra pension of £50; Lieutenant-Colonel P. A. P. Bouverie, £425—gets £10!!!

MADRAS.— Colonel J. Babington, Artillery, claims £655—nil, because he had £50 pension; Colonel G. Carr, Infantry, £1,100, nil; Lieutenant-Colonel G. S. Cotter, artillery, £4,421, nil; Lieutenant-Colonel A. H. M. Chesney, £240, nil.

BOMBAY.—Captain H. G. Raverty, claims £337—gets £22; Major M. J. Battye, claims £976—£631 cancelled and £135 allowed.

This officer was, as a lieutenant on diplomatic employ, on a consolidated allowance of £75 per month. He had paid £976 for regimental steps, and got his captaincy; but he still remained in diplomatic employ, on his consolidated pay of £75 per month, and did not gain one shilling by his accelerated promotion, and yet, most unjustly and strangely, £631 is deducted from his claim. In regard to the fourth grievance —the refusal to give a shilling compensation to officers who have paid sums for the removal of an officer to the invalids to the advantage of the service—the injustice is manifest, for the loss to him is absolute, whether the invalid officer resides in India, or London, or Jericho. With respect to the fifth cause of complaint, the Government had arbitrarily fixed the 18th February, 1861, as the date after which no compensation would be granted, while some officers, in ignorance, had bought out officers a few days or weeks after that date, and were refused a shilling of compensation.

Finally, Sir, it is with great pain, but under a thorough conviction of its truth, I say that the claims of the officers for compensation have been met in a spirit of meanness and heartlessness—meanness in elaborate devices for reducing claims for compensation, which Lord Cranbourne admitted to be well founded, and heartlessness that 5,338 officers and 287,782 men, who, aided by a proportionable body of Royal officers and troops, had won an empire for the Crown which would have excited the envy of Alexander the Great and Augustus Cæsar, should not have experienced some generous consideration for their triumphant services; but, on the contrary, the sole object seems to have been by what devices the claims for compensation could be reduced to a minimum amount. Let me remind the House, that in May, 1865, it voted an Address to the Queen for the redress of the grievances of the Indian officers. Those grievances have not been redressed in the sense in which that vote was passed, owing to the reductions in the compensation ordered by Lord Cranbourne's despatch of the 8th August, 1866, and the officers again humbly appeal to the House to sustain its former vote. The hon. and gallant Gentleman concluded by moving for an Address.

COLONEL NORTH said, the Order or Regulation dated November 29th, 1837, clearly gave the officers of the late Indian Army to understand that their rights and privileges in this matter of buying out their seniors should not be interfered with unless under particular financial circumstances, in which case full notice should be given to them beforehand. He could not understand how that Order could be repudiated, and the officers told that they had no claim upon the Government. The Marquess of Salisbury, when at the India Office, was of opinion that if the officers had been damnified by the change they ought to be compensated; but, instead of getting compensation, they were refused the repayment of the sums which they had previously expended. The case of those officers was another instance of that cheeseparing policy which had created dissatisfaction, not only in the Indian Army, but in our own. There was no one, he added, who could fail to have the highest respect for the Indian Army, which had produced as many distinguished officers as any army in the world, and he hoped the House would again express it to be its opinion that their claims to remuneration should be met to the fullest extent. He begged to second the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that as the orders Her Majesty was graciously pleased to give for the redress of the grievances of the Officers of Her Majesty's late Indian Military Services, consequent upon an Address of the House of Commons, dated the 2nd day of May 1865, have not been carried out, in the sense of the Address, owing to deductions being made from the bonâ fide claims of officers on the ground of accelerated promotion and on the ground of increased retired pensions, Her Majesty may be graciously pleased to direct a further consideration of the subject, with a view to the redress of the still unsatisfied claims."—(*Colonel Sykes.*)

MAJOR GENERAL SIR PERCY HERBERT said, that justice was not dealt out in this case as it would have been to civil servants in this country. The Government of India did not recognize the bonus system until very lately. They then recognized it in an indirect way. There was no claim upon the Indian Government so long as the Regulations of the service continued as they were; but when the Regulations were altered and put an end to the fund from which these officers were to benefit, and to which they had subscribed, there was then a most decided claim on their part against the Government. Pensions were given to get rid of supernumerary officers; and this was a point well worthy of consideration. It was too bad for the

Government, having gained all the advantage of the bonus system, to turn round on the officers and refuse to repay them the amount which they had actually disbursed.

Mr. GRANT DUFF said, it was the duty of all Governments, and of the Indian Government among others, to see that the interests of its servants were fairly and liberally cared for; but it was likewise the duty of all Governments, and of the Indian Government among others, to remember that its servants existed for the people which it ruled, not the people for its servants. In this spirit he wished to examine his hon. and gallant Friend's proposal; and, first, his Resolution seemed to have been framed under some misconception. He asked for a further consideration of certain alleged grievances, because "the Address of this House, dated the 2nd day of May, 1865, has not been carried out in the sense of that Address, deductions having been made from certain claims upon various grounds." But his hon. and gallant Friend had apparently forgotten that the Address of the 2nd of May, 1865, was for the redress of such grievances of his clients as were admitted by the Royal Commission of 1863 to have arisen out of a departure from the assurances given by Parliament. Now, the Royal Commission of 1863, referring to this very complaint of the loss of bonus on retirement, declared in so many words that the Parliamentary guarantee did not extend to this claim, and therefore the Commission of 1865 did not and could not entertain it at all. What really happened was this. After a long agitation—very detrimental, indeed, to the discipline of Her Majesty's Indian Army—the Government of the day, then represented in this House by Lord Salisbury, announced, on the 6th of August, 1866, a measure of the most comprehensive and of a more than conciliatory character. That statement appeared to give, as well it might, great satisfaction to those whose interests were concerned. The instructions sent by Lord Salisbury to India were drawn up in a sense accordant with the sense of his statement, and were carried out by the appointment of committees composed of officers of each of the three armies, Bombay, Madras, and Bengal—who were to investigate the amount of claim made and established in each case. There was not a shadow of evidence that the officers appointed did not most fairly and most liberally consider all claims brought before them. Indeed, it was in the nature of things that they should do so, for they represented the complaining officers, and must have shared largely in all their feelings; while, with regard to the action of the Government, he believed that the only cases in which the decisions of the committees of officers had been interfered with, had been cases in which from a mistaken interpretation of their instructions they granted an officer less than the Government thought right to concede to him. If that was not liberal treatment, he wondered what kind of treatment would be entitled to that name. Looking back upon the dealings of the Indian Government, as reconstituted in 1858, and of this House with the East India Company's Army, looking at them with strong sympathies for that army arising from family connection—he confessed that he could find in all history nothing to equal it in liberality. Here was an army, on the larger and more important portion of which, the Bengal Army, had fallen a disaster altogether unparalleled in modern military annals—unparalleled, so far as he knew, in any annals, unless it were in the story of Carthage and her mercenaries, as told by Polybius. Many armies in modern times had melted away under the pressure of extreme physical privation, and some had been pulverized and utterly destroyed by a hostile force; but did modern history tell us of any other army falling to pieces in the hands of its own officers, in a time of profound peace, in the middle of the territory which it was set to guard? [Colonel Sykes: The officers did not do that.] He fully absolved many of these officers from blame. Many of them, both before and after the outbreak, did their duty, and more than their duty; but would anyone venture to say that, after all allowances had been made, a Government which treated officers, whose regiments had disappeared, as if their regiments had still continued in full efficiency, was not an almost preternaturally generous Government? Yet that was precisely what the Government did; for when the time came for reconstructing that military power which had been so rudely shaken, the Government and this House forgot the past, and applied to all alike—to the officers of the Bengal Army, of which so large a portion had disappeared, as well as to those of the Bombay and Madras Armies, which had come through 1857 almost unscathed, the same measure of ungrudging liberality, the same Parliamentary guarantee. In the interpretation of that guarantee, and in all the arrangements connected with the amalgamation, disputable point after disputable point was yielded. Every one was treated as if he had been not only innocent, but impeccable. Rules which would have been extremely liberal in the case of officers whose regiments were absolutely perfect were applied to officers whose regiments had vanished into space, till at last all men thought that conciliation and kindness had been carried to the utmost imaginable limits, and that no officers of the old Indian Army would ever again dream of even naming the word grievance. At the close of his speech, already referred to, the present Lord Salisbury, then Lord Cranborne, said—

> "I will only conclude my answer to my hon. and gallant Friend by saying that I hope he will use his influence, if he is satisfied with this arrangement, and that all others who have taken up the case will use their influence, to do all they can to put a stop to a system of agitation most mischievous to the Indian Service and most inconsistent with the ordinary attitude which officers ought to assume towards the Government. I do earnestly hope that as far as this House is concerned we may now close this thorny and disagreeable subject."—[3 *Hansard*, clxxxiv. 2094.]

The hope which Lord Salisbury then expressed had, unhappily, not been fulfilled. It had seemed good to his hon. and gallant Friend to do what he could to rekindle the embers of what all thought was a burnt-out agitation. He deeply regretted that the hon. and gallant Member should have thought fit to lend the sanction of his advanced age and long experience in Indian affairs to so evil a cause. The responsibility the hon. and gallant Member had assumed was certainly no light one, and he would be no sharer in that responsibility by giving the slightest shadow of hope that the present Government, any more than the past Government, or indeed any conceivable Government, would ever listen to the demands which he had made. Just one word as to these precious expectations, about which his hon. and gallant Friend had spoken so much. The expectations which his hon. and gallant Friend wanted the Indian Government, *alias* the people of India, to pay for in hard cash, were expectations of success in a highly speculative transaction, not to use a stronger term. If each Indian officer had got up to the top of the regimental list and then retired, the subscriptions paid by each would just have balanced his receipts on retirement. Now, the Government had refunded all the net subscriptions; but what these gentlemen wished to be paid for in hard cash were the expectations which they had formed that many of their comrades in arms who stood above them in the regimental list would die, and so save their subscriptions. They wanted a nice round sum in hand out of the Indian taxpayer's pocket as an equivalent for the "bloody wars and sickly seasons" which they had lost. He did not think the House of Commons would say "Aye" to that proposal. He had only once more to repeat the assurance that every claim advanced by these officers had been most carefully sifted, and, where even tolerably reasonable, admitted; that the taxpayers of the Indian Empire had been most heavily amerced; first, to be just, then to be generous; lastly, to be almost prodigal to them; and that the Government would ask the House to support them in giving the most determined opposition to a most extortionate demand—a demand which, in two words, was this—that these officers should retain every possible advantage which accrued, or might have accrued, to them from the old system, which crumbled to dust in their hands; that they should obtain every possible advantage, direct and indirect, from the new system, which had to be created; and that the unhappy people of India should pay for all in this wonderful game of "Heads I win, tails you lose!"

COLONEL JERVIS said, he could not remain silent after hearing what had fallen from the Under Secretary of State. He could hardly have believed that anyone who had reached manhood in the years 1856-7-8 could have got up and used the terms the hon. Member had used with reference to that gallant Indian Army. They were told for the first time to-night that it was owing to the want of discipline that that great army of India crumbled into dust. Were officers who, in the service of their country one after another fell under the hands of Hindoos and Mahomedans, leaving widows and children, to be spoken of in this way? What was said in this House by Lord Cranborne was that, if the terms proposed gave satisfaction, he trusted the agitation would cease, and the terms thus frankly stated he frankly accepted. But what were they? Lord Cranborne said, considering the magnitude and all the circumstances of the case, he was prepared to deal liberally, and he would repay the officers all that they were out of pocket; and these terms were utterly repudiated by the present Under Secretary of State. Sir Stafford Northcote, in a despatch which he sent out, expressed the opinion that the instruction of Lord Cranborne had not been carried out. He wished to make no charge against Her Majesty's Government, for this was a matter which more or less affected four different Governments; but he protested against that narrow-minded spirit which, for the sake of a few paltry pounds, created the most intense dissatisfaction, while millions were expended of which no account whatever could be obtained.

Major DICKSON said, he wished to make one remark, as the speech of the Under Secretary of State might go abroad, that the Indian officers had not done their duty in the Mutiny. The hon. Gentleman said that some officers had done their duty, implying that some had not done their duty. Now, he wished to say, from his own personal knowledge and experience, that all the Indian officers had done their duty in that terrible time, and he hoped the hon. Gentleman would get up and say so.

Mr. BOUVERIE said, that last year, when the subject was likely to come on, he took some pains to investigate its merits, and he came to the conclusion that there was a real case of grievance. As he understood, Lord Cranborne promised that the officers should have returned to them all the money which had actually been paid by them, and the contributions corresponded to payments made to an insurance office to be returned after a certain time had expired. Lord Cranborne was understood to promise that these officers should have returned to them, not all their expectations—not the large sum which they expected to receive originally in allowances to the highest rank, but the actual amounts they were out of pocket by the payments they had made from time to time at each step in promotion. The Indian Government kept the word of promise to the ear but not to the hope; and when it came to consider the claims of these officers it said—"Oh! but for these payments you made from time to time you have got each time a certain advance in position in your regiment by the retirement of the officer above you, who was induced to retire by your contribution;" and in some instances, by a minute calculation, it had been made to appear that the officers, instead of having a claim, were actually in debt. He knew a gentleman, fortunately for himself, in easy circumstances, who, having paid something under £1,000 in respect to these policies, had a calculation brought against him, and he was told that £10 was the sum he would receive for all he had contributed. This was not considered by these officers the fair way of carrying out Lord Cranborne's intentions, and was not, he understood, what was meant by Lord Cranborne himself when he made the speech referred to, and penned the despatch to the Governor General of India. The demand was of a limited nature, and it would be better to meet it than to let these gentlemen have ground to complain of want of faith on the part of a British Ministry and Parliament.

Sir CHARLES WINGFIELD said, having gone carefully through the Papers in connection with this case, he found he could not support the demand of these officers. The right hon. Gentleman who had just sat down had entirely misconceived what Lord Cranborne said, for that noble Lord most distinctly stated that he would deduct from the sums to be paid to the officers what they had gained by accelerated promotion.

Mr. C. DENISON said, he had listened with disappointment and dismay to statements of the Under Secretary for India that the Indian Army must not expect that the present Government or any other Government would ever give ear to the complaints now brought before the House. That was not the proper spirit in which those complaints should be met. The question was, were there or were there not individual instances of injustice and grievance which the House was bound to consider? If there were, the faith of the Government of this country was pledged to inquire into them, and to afford a remedy. Though a large proportion of officers might have received the measure of justice they were entitled to in the shape of increased pension and accelerated promotion, there was good ground for belief that beyond these there was yet a residuum of hardship and injustice, which the Government were bound not to overlook. He knew the case of an officer, who should have received £4,000 by reason of this bonus fund, to which he was compelled to contribute by social considerations and the pressure of his commanding officer, and who only got £500. That was an illustration of the grievance which was suffered, and he protested against the absolute language of the Under Secretary for India that, under no circumstances, could he hold out the hope that these Indian officers would receive further attention or inquiry as to the reasonableness of their claims.

Mr. GLADSTONE: The House will, perhaps, allow me to observe, with reference to the warm speech of the hon. Member for Harwich (Colonel Jervis), that, in criticizing the acts and language of the Government, he has ascribed to my hon. Friend the Under Secretary of State for India words and ideas which do not properly belong to him. The hon. Member was evidently under the impression that my hon. Friend had declared that the calamitous revolt and dissolution of the Bengal Army were owing to their want of discipline, and that this was chargeable upon the officers. I heard the speech of my hon. Friend, and I certainly heard nothing which conveyed or resembled such an imputation; it was as far as possible from the intention of my hon. Friend to convey any imputation of that kind. Let us, therefore, put out of the way any extraneous matter in approaching the consideration of this question. As far as I can understand the point at issue, it is not one of any great difficulty. My hon. Friend's allusion to the past acts and the probable conduct of any future Government of India was not an allusion altogether gratuitous. The proceedings which have been taken are in perfect conformity with those of the late Secretary of State for India, and unless my hon. Friend is very much mistaken indeed, the late Secretary of State would have been in his place to-night to affirm and sustain the doctrines which have been propounded, if, from urgent causes, he had not been compelled to leave London. Knowing this, therefore, it was no unnatural allegation for my hon. Friend to make that neither the present nor any future Government of India was likely to give in to this claim. What is the claim? It is contended that the rule laid down implied a pledge; and the whole question is, whether that pledge has been fulfilled? The Motion of my hon. and gallant Friend insists, in terms which are certainly very strong, that the House should be prepared to address Her Majesty, stating that the orders given for the redress of the grievances of the officers of the Indian Army have not been carried out in the sense of the Address of the 2nd of May, 1865. If that Motion be adopted, the Members who vote for it will take upon themselves a heavy responsibility, for they must first have examined into the matter and satisfied themselves that the pledge has been given and not redeemed. Let me ask, has there been such a definite and positive pledge as should induce the House to vote an Address like this? I am not now saying that we should refrain from making any further investigation; in a case of this kind, where individual interests are concerned, even if there be a slender case shown, I think that there should be a full investigation into every point and allegation that is raised. We shall be perfectly ready to investigate when any deficiency is shown in the proceedings that have occurred, and with even greater facility when we do this ourselves, and not under the stringent terms of the Motion that my hon. and gallant Friend would bring to bear upon us. But have expectations been held out which have not been fulfilled? My hon. Friend bases his statement apparently on a promise by Lord Cranborne. [Colonel Sykes: And of Lord Derby in the House of Lords.] I have not got the words of Lord Derby before me; but I shall be quite prepared to give to them all the consideration to which they are entitled. The words, however, of a responsible Minister, speaking in the name of the Department with which the transaction lies, seem to me about as authoritative testimony as it is easy to obtain. It is contended that the engagements made with the Indian officers under the bonus system have been broken because certain deductions have been made on the ground of accelerated promotion and increased retiring pensions; but what does Lord Cranborne say, speaking in this House on the 6th of August, 1866?—

> "Now, the House will observe that the subscription of a bonus had for its immediate object to get a step of rank. That step carried with it increased pay; therefore, the object of that subscription was to a certain extent obtained. The officer got his advance in rank, and, of course, increased pay earlier through the subscription than otherwise. If he had not purchased out his superior officer, he would have had to remain longer in his inferior grade. Therefore, I say, the Indian officer has already got to a certain extent compensation for his subscription. We have no intention to pay that over again."—[3 *Hansard*, clxxxiv. 2093.]

I ask my hon. and gallant Friend how he gets rid of that statement of Lord Cranborne's? The very thing Lord Cranborne says he will not do is the thing which is now complained of as a breach of faith. [Colonel SYKES: That is the complaint.] If so, my hon. and gallant Friend is shifting his ground, and shows still more strongly that this Address cannot be agreed to. He cannot say, as he now appears to say, that Lord Cranborne was wrong in refusing to pay this over again, and then, in the same breath, declare that the promise was made and that faith has not been kept. In a despatch of the 18th of August, 1866, which Lord Cranborne addressed from the India Office to the Governor General in Council on this subject, he said, having enumerated the sums which would be credited to the Indian officers—

> "The above sums will be placed to the credit of the officer in each case. On the other hand the value will be estimated in money of the advance in rank or position which accrued to the officer from the above arrangement, and he will be debited therewith."

With this evidence before us, patent and unquestionable, I say that it is impossible my hon. and gallant Friend can ask the House to vote this Address, whereby the House binds itself to complain that engagements were broken which there is distinct ground for believing were never entered into.

SIR JAMES ELPHINSTONE, speaking from personal recollection, declared that at a time when the upper ranks of the service in India were greatly choked, the bonus system was introduced to clear them, and it was just as much understood that the money contributed by those officers was to go towards the increase of rank as any other regulation in the service was understood.

COLONEL SYKES, in reply, quoted the speech of Lord Derby when, as Prime Minister, in 1858, he introduced the Bill into the House of Lords. His words were—

> "The Bill also provides, as far as it refers to individuals and bodies, that they shall have reserved to them all the rights, privileges, and expectations which they were led to form at the time of their admission to the service."—[3 *Hansard*, cli. 1461.]

With regard to the statement of the Under Secretary for India that the poor Natives of India would have to pay the amount, what was the sum required? 212 officers had claimed £90,000, and they had had adjudged to them £20,000. Yet the Government that refused this sum had raised the taxation on India by £2,000,000. He should divide the House on his Resolution.

Question put.

The House *divided*:—Ayes 113; Noes 92: Majority 21.

## ARMY—COLONELS.

### MOTION FOR A SELECT COMMITTEE.

MAJOR ANSON, in rising to move for a Select Committee to inquire into the hardships inflicted on the Colonels of the British Army in consequence of their supersession by the Colonels of the Indian Army, said, that after the Royal Commission of 1862 reported on the subject of Colonels in the Indian Army, and the Warrant being issued thereupon, many Petitions were presented to the House complaining of grievances, among others of that of which the House had heard to-night. A Royal Commission, of which Lord Cranborne was Chairman, was appointed to consider the subject, and the result was an alteration by which colonels of the Indian Army were now about to supersede 260 older colonels of the British Army. The latter had just reason to complain; and, although they had not taken any steps of their own accord to force their claims upon the attention of the House of Commons or the public, their grievance was not the less great. The effect of the warrant which was issued was foreseen by Sir William Mansfield, who pointed out the injustice that would be inflicted, and urged that some steps should be taken to obviate the evils that would ensue. A protest coming from so distinguished an officer was worthy of consideration, but it did not meet with attention, for the India Office took a year to think about the matter, and then wrote that the subject was one which should be submitted to the War Office and the Horse Guards. A correspondence ensued between the Departments which extended over two years, and when the present Secretary for War took Office a Committee was appointed, who reported that it was advisable to promote 45 colonels to the rank of major-general; but as that step would cost money the recommendation was not carried out. The colonels felt it to be a great injustice that their claims should be ignored on that account, especially when they had contributed to the reserve fund, £570,000 of which had been appropriated by the Treasury. He had received communications from nearly all the colonels of the British Army who were now in England, and they all expressed dissatisfaction with the measures which had been proposed. He therefore moved the appointment of a Select Committee.

**Major General Sir PERCY HERBERT** seconded the Motion. He disclaimed any idea of it being an attack upon the present Government; they had only inherited a difficulty from their Predecessors. All that was asked for was that promotion should be dealt out equally to every branch of the service.

**Mr. CARDWELL** said, as the Motion involved no foregone conclusion, he would assent to it. He believed, however, it would be found that the origin of the evil complained of was as far back as 1854, and that the evil itself was connected with proceedings that had taken place in Parliament.

**Colonel NORTH** thanked the Secretary of State for the kindness he had shown throughout the whole proceedings.

Motion *agreed to.*

Select Committee *appointed*, "to inquire into complaints of hardships urged on behalf of the Colonels of the British Army in consequence of their supersession by the Colonels of the Indian Army."—(*Major Anson.*)

And, on July 6, Committee *nominated* as follows:—Mr. CHANCELLOR of the EXCHEQUER, Sir PERCY HERBERT, Mr. GRANT DUFF, Sir JOHN HAY, Mr. BRAND, Sir RAINALD KNIGHTLEY, Mr. KIRKMAN HODGSON, Mr. CLAY, Mr. SCLATER-BOOTH, Sir EDWARD COLEBROOKE, Mr. GOLDNEY, Sir CHARLES WINGFIELD, Mr. BOURKE, Mr. WEST, and Major ANSON:—Power to send for persons, papers, and records; Five to be the quorum.

## DUBLIN CITY VOTERS DISFRANCHISEMENT BILL.

On Motion of Mr. SOLICITOR GENERAL for IRELAND, Bill to disfranchise certain Voters of the City of Dublin, *ordered* to be brought in by Mr. SOLICITOR GENERAL for IRELAND and Mr. CHICHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 184.]

House adjourned at a quarter before Two o'clock.

# HOUSE OF COMMONS,

### *Wednesday*, 29*th June*, 1870.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—East India Contracts* [186]; Local Government Supplemental (No. 3)* [188].
*First Reading*—Parishioners' Rights* [187].
*Second Reading*—Sale of Liquors on Sunday [57], *debate adjourned;* Absconding Debtors* [172].
*Committee—Report*—Life Assurance Companies [2]; Lodgers' Goods Protection* [96-185].
*Third Reading*—Medical Officers Superannuation* [70], and *passed.*
*Withdrawn*—Coroners* [42].

## LIFE ASSURANCE COMPANIES BILL.
[BILL 2.]

(*Mr. Stephen Cave, Sir Thomas Bazley, Mr. Russell Gurney.*)

COMMITTEE. [*Progress 2nd March.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Deposit).

**Mr. SYNAN** said, he rose to move, as an Amendment, the omission of the latter part of the clause, which provided that the deposit of £20,000 which every assurance company to be formed in the future would have to place in the hands of the Court of Chancery on starting their undertaking, should be returned to the company when their premiums reached the amount of £40,000. It was absurd to say that the deposit would be any guarantee of security to the public or to the shareholders if it were to be returned to the company when they had realized £40,000 in premiums, for the amount of the premiums could be no test of the solvency of the company. That solvency must depend upon the fact as to whether the lives taken by the company were good or bad. If the lives were bad the amount of premiums received would be as much a test of insolvency as of solvency. If there were to be the guarantee of a deposit, it should be a continuing guarantee. If the clause were passed as it stood it would simply delude the public. He begged to move, in line 9, to leave out all after "made" to end of line 11.

Mr. STEPHEN CAVE said, the hon. Member mistook the clause. The deposit was simply intended to secure the *bona fides* of the company, and to prevent bubble companies being formed merely to be sold, a practice which was productive of much mischief. The retention would be no security. The Albert would have paid as much at any moment.

Mr. BARNETT said, he also objected to the Amendment, on the ground that the amount of the deposit was too small to be looked upon as a complete security to the public. A sum of £20,000 was a very small matter in the assets of an assurance office, and would never save a company from ruin.

Mr. H. B. SHERIDAN said, this was one of the most important clauses of the Bill in all respects, for it raised the whole question of assurance management, and the success or failure of its past history. Before hon. Members decided on a policy so restrictive in its character, they ought to take especial care to ascertain whether they had been rightly informed as to the real position of these institutions and their real character. He did not intend to oppose the progress of the Bill. He thought the House was much indebted to the right hon. Gentleman (Mr. S. Cave) for having introduced it, and for the success with which he had dealt with a mass of details; but there were parts of the Bill which were objectionable. If the parts to which he objected could be modified, he would gladly give his aid to the right hon. Gentleman to carry the Bill through during the present Session. That portion of the measure which he most disliked related to the provisions for winding up——

The CHAIRMAN said, he must point out that the question before the Committee was the omission of words which directed the Accountant General, under certain circumstances, to return a deposit, and hon. Members must confine themselves to that point.

Mr. H. B. SHERIDAN said, he would submit that the question of the Amendment raised the whole question of life assurance.

The CHAIRMAN: Order. That does not raise the whole question.

Mr. SYNAN said, he had never stated that the deposit would be regarded as a complete security to the public. What he maintained was that his Amendment would form an element of security which would be granted. As to the objection urged against the Amendment, that it would handicap the new companies and give an advantage to the old ones, there was no force in that, because it was to be hoped that the old companies were perfectly solvent. If the new companies were solvent there was no handicapping, while if the old companies were insolvent no amount of handicapping placed on the new ones would save them.

Mr. SHAW LEFEVRE said, on behalf of the Government he must oppose the Amendment. Though it was true that the retention of the £20,000 in the hands of the Accountant General might be an element of security, yet it was so trifling an element of security, that it was not worth adopting. The motive of the clause was to prevent the formation of rotten companies, and for that purpose it was valuable.

Mr. MUNDELLA said, the company might replace the £20,000 by premiums, and then the deposit would be a false security and deceive the public.

Amendment *negatived.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 4 (Life funds separate).

Mr. M'LAREN said, the clause made undue distinction between new and old companies. His right hon. Friend the Member for Glasgow University (Mr. Gordon) had given Notice of an Amendment to leave out the words "established after the passing of this Act," in order to place them in the same position; and he wished to ask the right hon. Gentleman who had charge of the Bill to give some explanation with reference to this point, because he had a strong impression that no new companies ought to be put in a disadvantageous position in comparison with the old companies? He wanted to know why the Amendment was not to be moved?

MR. STEPHEN CAVE said, that the difference between the two cases was that in those which were already established all their contracts had been made, whereas, in new companies, all the contracts would have to be made. Others could be made subject to the provision in this clause. It was impossible to interfere with existing contracts; but they could make any provision they chose with respect to the new companies. He therefore moved at end to add—

"Provided always, That this clause shall not apply to the case of any existing company in which, by the provisions of the deed of settlement, the whole of the profits of all the business transacted are paid exclusively to the life policy-holders."

There was, he believed, only one such company, which was formed for the purpose of encouraging providence in sailors. It was encouraged for that purpose by the great steamship companies, and might almost be said to be in the nature of a charitable institution.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 5 (Statements to be made by companies).

MR. T. CAVE said, he would beg to move to leave out "financial," in page 2, line 25, so as to require every company to make its returns at the end of "each year," and not at its own financial period.

MR. STEPHEN CAVE said, he quite agreed that, so far as symmetry was concerned, it would be of advantage that the returns should be made at one time; but the inconvenience to existing collectors would be so great that he could not advise the adoption of the Amendment.

MR. BARNETT said, he thought the term "financial year" made the clause somewhat obscure.

MR. SHAW LEFEVRE explained that the company's financial year was indicated.

Amendment, by leave, *withdrawn.*

MR. BARNETT said, he thought they might improve the clause by the introduction of the words "each financial year."

SIR THOMAS BAZLEY moved to leave out "at the expiration of each financial" and insert "once every year."

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 6 *agreed to.*

Clause 7 (Actuarial report and abstract).

MR. ANDERSON said, he wished to move, as an Amendment, that the report and abstract of a company should be prepared once in every five years, if the company was established after the passing of the Act, and once in every 10 years, if established before. Such an Amendment was absolutely necessary, because by the deeds constituting many of the existing companies, the examination was to take place every seven years, and it would be highly inconvenient and expensive to them if they were now required to change their constitution, make up their accounts, and declare and divide their profits every five years. The right hon. Member for the University of Glasgow (Mr. Gordon) had an Amendment on the Paper in different words, but very much to the same effect. It was a matter of perfect indifference to him whether his Amendment or that of the right hon. Gentleman the Member for the Glasgow University were adopted.

Amendment proposed,

In page 2, line 36, after the word "years," to insert the words "if established after the passing of this Act, and once every ten years if established before the passing of this Act."—(*Mr. Anderson.*)

MR. BARNETT said, he objected to the Amendment. Several existing offices made their report once in every five years. Should it be adopted, he admitted that there would be a difficulty in adjusting the clause to the case of some existing companies, but thought it might be done without destroying their constitution.

MR. M'LAREN said, the Amendment would not secure to the public the information it desired. Many years ago an Act for the regulation of banks was passed, containing a similar provision to that proposed by the Amendment; and on account of the distinction drawn between the old and the new banks, not a single new one was established in Scotland after the passing of the Act; the result being that the old ones acquired a complete monopoly. He thought that the public ought to have the benefit of free trade; and that all companies, whether new or old, ought to be dealt with in the same manner.

MR. STEPHEN CAVE supported the Amendment, as it would be highly inconvenient for the existing companies to be obliged to alter their constitutions with regard to the publication of accounts, and there was the additional difficulty that division of profits depended on these periodical valuations.

Mr. SHAW LEFEVRE said, seeing the great trouble to companies the Amendment would obviate, the Committee would do well to adopt the proposal of the hon. Member (Mr. Anderson).

Mr. HEADLAM said, that the returns would involve much expense; and he, for one, could not see any very urgent necessity for their preparation.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 81; Noes 16: Majority 65.

Mr. BOWRING said, he would beg to move, in line 39, to leave out "an actuary," and insert "a professional actuary of not less than seven years' standing." He thought that some such alteration was necessary, as the Interterpretation Clause, which had already been passed by the Committee, contained no definition of an actuary. The only definition of an "actuary" that he could find in the Library amounted to this—that he was an actuary. One great object being to guard against bubble companies, it was important that the investigations should be conducted by persons of proper standing in the profession. He should have preferred, in some respects, to propose that the actuary employed to certify the accounts should be appointed by the Board of Trade, or at any rate be approved by them; but there were as strong objections to the Government undertaking this duty as he, from experience knew there to be to the present system, whereby the inspection of railways, prior to their opening, was intrusted to Government Inspectors. Responsibility would, by such an arrangement, be removed from the companies by the certificate of the certifying actuary, and be transferred to the Government. He might mention, in proposing this Amendment, that he had placed on the Paper an alternative Amendment, in line 39, after "actuary" to insert—

"Who, unless he be at the time of the passing of this Act the actuary of an established company, shall be a member of the Institute of Actuaries of Great Britain and Ireland, or of the Faculty of Actuaries in Scotland."

*Mr. Stephen Cave*

The hon. Member proceeded to show that although the Institute of Actuaries had not yet obtained its contemplated charter of incorporation, it had already attained such a position that the proposal contained in this Amendment might reasonably be adopted, whilst the Faculty of Actuaries in Scotland was a present a chartered body.

Mr. STEPHEN CAVE asked how you could define a "professional" actuary? The word would give no security, for anyone might constitute himself a professional actuary. Then, as to the seven years' standing, from what time was the date to run? Was it from employment by an office? Some of the best actuaries in London had only been so employed for two or three years. No doubt the Institute of Actuaries was a body to which actuarial science owed much, and which had contributed much to raise the status of actuaries; but many actuaries of considerable standing were not members of it, nor was any examination requisite for admission. He had hoped that the Institute would have entitled itself to a Parliamentary status by applying for a charter; but at present the House would hardly be warranted in giving a Parliamentary recognition to a voluntary body.

Mr. BARNETT said, that some time ago 50 companies were being wound up in the Court of Chancery, all whose actuaries were, he believed, members of the Institute.

Mr. ANDERSON said, the object of all the Amendments which were under discussion, for they all bore on the same point, was simply to get a better examination—an examination, in fact, which would not be a delusion and a snare; and he considered it very unfortunate that something more definite had not been adopted. With respect to Scotland, they had a Faculty of Actuaries possessing a Royal Charter, and if England were as well off as Scotland in this respect, he should have no hesitation in saying that the Amendment which stood in his name would have been the best for the purpose in view. Seeing, however, that the Institute of Actuaries of Great Britain and Ireland had not got a charter, he agreed with the right hon. Gentleman who had charge of the Bill that what was proposed could not be accepted.

Mr. SHAW LEFEVRE said, the Amendment, if adopted, would by a sidewind give a legal recognition to that which was merely a club.

MR. C. TURNER said, that persons must look to the name and reputation of the independent actuary, and not merely to the fact that a person calling himself an actuary was employed.

MR. GILPIN said, he believed the House could do too much as well as too little on this subject. A professional actuary with a character would give a true account of figures submitted to him for examination. The best security for insurers was perpetual watchfulness, not what was intended to be done by Government when actuaries were appointed.

MR. RUSSELL GURNEY said, the real security to the public consisted, not in what a man was likely to be, but in what he was likely to do; and he would point out that under the Bill the actuary was liable to a penalty of £50 if he made a false return.

MR. MONK said, he would suggest that the word "actuary" should be omitted as being useless. It did not admit of definition.

MR. H. B. SHERIDAN said, he believed it was well known practically what actuaries were; they were a body of gentlemen who had a special mathematical education and whose attention had been especially directed to financial statistics. No imputation attached to actuaries because 50 companies had been wound up. If those companies ceased to exist, it was not owing to any actuarial shortcomings, but because the companies failed to secure a sufficient amount of business.

MR. BOWRING said, his object in moving the Amendment had been to raise a discussion on the subject, and that having taken place, he should not press the matter further, although he hoped the right hon. Gentleman in charge of the Bill would endeavour, at a future stage, to define what an actuary was.

MR. M'LAREN said, he thought that the clause should be left as it was. These precautions would only tend to lessen the responsibility of directors.

Amendment, by leave, *withdrawn.*

MR. W. SHAW said, he desired to add to Clause 7 a provision which would serve the interest of good companies, and would only be a terror to sham companies. At present the audit of the accounts was often of little use, because the same auditors were appointed from year to year, and he thought the Board of Trade, representing the public, should appoint the auditors, who, while examining the accounts, should also examine the value of the assets of the company. The recent collapse of insurance companies had caused great dread throughout the country, and people were so discouraged by the loss of their savings that many were deterred from insuring their lives. In his opinion, the Government ought to do something more in the interest of insurers than they did at present; but at least they should protect the public by an independent audit, and he therefore moved to add to the clause—

"And on such investigation and report being completed, the company shall apply to the Board of Trade, who shall appoint an auditor or auditors; and such auditor shall be supplied with a copy of the report and schedule herein referred to; he shall have a list delivered to him of all books and accounts kept by the company, and shall have access to such books and accounts, and be at liberty to examine all officers and directors of the company; and the auditor shall report whether returns and schedules contain fully and fairly the particulars required by this Act, and all particulars necessary to exhibit a full and correct view of the state of the company's affairs; he shall also report on the nature and value of the assets of the company."

MR. STEPHEN CAVE said, he did not see how it was possible to carry out the proposal of the hon. Member. An effectual audit of an insurance company's accounts often took 12, 16, or 18 months, and if several of these went on at the same time, what would the Government do, seeing that the Board of Trade had no staff of auditors? There were many instances of a perfunctory audit, where the auditors were entirely under the thumbs of the directors; but, on the other hand, there were auditors of the highest character, who would not pass anything which was at all questionable. What was wanted was not a Government audit, but that shareholders should take a more prominent part than they now took in the election of auditors, instead of leaving it in the hands of the directors.

MR. GILPIN said, he believed that the persons immediately interested were the best able to take care that the audit was sufficient. He objected to the growing tendency to push every kind of responsibility upon some public Department. An auditor appointed by the Board of Trade was just as likely to go wrong as one appointed by a body of business men who knew that their interests were concerned in procuring an accurate statement of assets and liabilities. He also objected to a Government audit because of its expense.

Mr. HERMON said, he would remind the House that only last night they had heard of a case in which, if the Government had inspected their own accounts properly, they would have saved £2,000 to the country. Government inspection, therefore, would not do everything. The best security was in seeing that the Board of Directors were men of business, who would act in public as they would in private life.

Mr. SHAW LEFEVRE said, the effect of the Amendment would be to compel the Board of Trade to make not a mere audit but an actuarial investigation once in every five years, in addition to that made by the company, and the Board would be responsible for the Return, so that in case of any mistake the State, he presumed, would be called upon to make good the losses sustained by the policyholders. Such an Amendment would greatly enlarge the operation of the Bill, and would extend it in a dangerous direction. It was one thing for the Government to adopt the business of insurance; it was quite another thing for them to guarantee the business of other people. Then the Board of Trade had no proper staff for conducting these investigations, and would have to appointa large number of persons whom it would be very difficult to obtain apart from those employed by the insurance companies, and who would therefore probably be persons of inferior capacity. An independent audit apart from the Board of Trade would be of great value, and if he could see his way to secure such an audit for the policy holders he should be glad to do so, but the Amendment was not one he could advise the House to accept.

Mr. SYNAN said, he would suggest that the audit should not be a compulsory one. He had framed a clause providing that the Board of Trade might grant an audit if applied for by a certain proportion of the persons interested in the company.

Mr. C. TURNER said, that where the actuary was a salaried officer, and had no commission upon the premiums, he was not interested in doing anything wrong. If the public would not concern themselves to ascertain whether the directors were not only men with handles to their names, but also whether they were men of character and business capacity, it would be difficult for the Government to take care of them. The auditors, moreover, were appointed by the shareholders, and if the auditors did anything that was improper, it was because the shareholders would not look after them. He defied the Government to take care of people who would not take care of themselves.

Mr. CRUM-EWING said, he would give his support to the clause as it stood. There could be no greater mistake than to place dependence upon officers appointed by the Government or by the Board of Trade.

Mr. GOLDNEY said, they ought to take a wider view than that generally adopted. The general public were interested, because income tax was not charged on premiums, and in that way the companies were subsidized to the amount of £150,000 a year. The public had, therefore, a right to a general statement of accounts, in order that they might judge for themselves whether companies so favoured were rightly conducted. In all cases in which companies had collapsed the allowance made by the Government to encourage providence had been virtually thrown away. There ought to be an independent auditor, and the accounts ought to be deposited with the Registrar General, where everyone might have access to them.

Mr. BARNETT said, he could not admit that the public were interested in the way represented by the last speaker.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 8 (Statement of life and annuity business).

Mr. STEPHEN CAVE moved the insertion of these words, to obviate inconvenience in the cases of certain companies:—"Or within three years if the company's next investigation falls in the third year after the passing of this Act."

Amendment *agreed to.*

Mr. GORDON said, he wished to move an Amendment to extend the time for the preparation of the statement from "six" to "twelve" months after the date of the investigation prescribed by

Clause 7. The statement would require to be based not only on facts, but also on actuarial valuations, which, in the name of a large company, would require a long time. He begged to move, in line 2, to leave out "six" and insert "twelve."

MR. STEPHEN CAVE said, there was also on the Paper an Amendment in a contrary sense, to reduce the time from "six" months to "three." Between the two extremes he thought six months reasonable, and the case for twelve months was rather overstated.

MR. ANDERSON said, he would propose to say—"After the completion of the investigation."

MR. STEPHEN CAVE said, that the "date" was that of its completion.

Amendment *negatived.*

Amendment proposed, in line 5, to leave out "three" and insert "five."—(*Mr. Wren-Hoskyns.*)

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 9 *agreed to.*

Clause 10 (Statements, &c., to be signed and printed and deposited with Board of Trade).

MR. W. SHAW said, he thought the statement should be signed by two directors as well as by the chairman. He, therefore, begged to move, in line 15, after "chairman" to insert "two directors."

MR. STEPHEN CAVE assented, though he thought it unnecessary.

MR. GILPIN said, it was enough to bind all the directors if the chairman signed on behalf of the Board.

MR. H. B. SHERIDAN said, the chairman must necessarily make himself familiar with many items, which the other directors could not. The Amendment would add still more to the difficulties and expense which already surrounded the management of insurance companies.

MR. M'LAREN said, these remarks showed the value of the Amendment, the object of which was to prevent a man evading responsibility by ignorance. The Amendment would secure that at least two directors would look after the affairs of the company. At present they were, with the exception perhaps of the chairman, almost unacquainted with the business they undertook to direct.

MR. GOLDNEY said, that there was a precedent for the proposition in the Railway Companies Act.

Amendment *agreed to.*

MR. T. CAVE said, he thought that the time to be allowed for printing and delivering the statement of accounts should be reduced from six months to three. He begged to move, in page 3, line 20, to leave out "six" and insert "three."

Amendment *negatived.*

MR. GORDON said, he would beg to propose, as an Amendment, that every deposited statement should be accompanied by the abstract only of the actuarial report last made, and not by the report itself. He moved, in line 22, after "the" to insert "abstract."

MR. STEPHEN CAVE said, the report must be in existence, or else an abstract of it could not be prepared as required by Clause 7, and the object of requiring the report to be lodged with the Board of Trade was that the public might have an opportunity of testing the accuracy of the abstract. He must oppose the Amendment.

MR. BARNETT said, such reports were usually voluminous, and often contained matters which it was hardly fair to allow everybody to overhaul.

MR. SCLATER-BOOTH said, he must express his approval of the Amendment.

Amendment *negatived.*

Clause *agreed to.*

Clause 11 (Copies of statements to be given to shareholders, &c.).

MR. T. CAVE said, he would propose in page 3, line 26, to leave out "delivered," and insert "posted."

Amendment proposed, in page 3, line 26, to leave out the word "delivered," and insert the word "posted."—(*Mr. Thomas Cave.*)

MR. W. SHAW said, he thought the accounts, in which all the shareholders were interested, should be sent to them, so that they might not have the annoyance of going to the office for them.

MR. C. TURNER said, the expense to large companies of having to send copies by post would be enormous.

MR. M'LAREN said, he would support the Amendment; but it was his intention to move that these statements be sent only to policyholders within the United Kingdom.

Mr. STEPHEN CAVE observed, that a great mass of these papers, after being delivered, got into the waste-paper basket, and it might be assumed that all who appreciated them would take the trouble to send for them.

Question put, "That the word 'delivered' stand part of the Clause."

The Committee *divided*:—Ayes 119; Noes 46: Majority 73.

Mr. W. SHAW said, he thought that as the Committee would not sanction the proposition to send the documents by post, it ought to be provided that they should, at least, be delivered to the shareholders without the trouble of application. He would, therefore, propose an Amendment, in line 27, to leave out "on application."

Sir JAMES LAWRENCE said, that this was a matter of importance to all commercial men and persons connected with companies. From what had come before him in another place, he believed that many persons would have been saved from ruin if an enactment of this kind had made it imperative on companies to deliver their accounts to the shareholders.

Mr. RUSSELL GURNEY asked how these documents and accounts could be delivered to a shareholder who happened to be in Japan?

Mr. CANDLISH said, that that difficulty would be got rid of by adopting the words "within the United Kingdom," which the hon. Member for Edinburgh (Mr. M'Laren) proposed to add.

Mr. W. SHAW said, that could be got over by posting them.

Mr. SHAW LEFEVRE said, the Committee had already decided not to adopt the word "posted." This was the same Amendment in another form.

Mr. GOLDNEY said, railway companies sent their statements of accounts by post, and why not insurance companies?

Amendment *negatived.*

Clause *added* to the Bill.

Clause 12 (Amalgamation or transfer).

Mr. T. CAVE said, he would beg to move to leave out all after "transfer," in line 38. After the failure of the Albert Company a natural prejudice had existed in the minds of the public with respect to amalgamation; but he did not think

these prejudices would continue to prevail or would exercise any undue influence on the minds of hon. Members sitting in the House. If the clause, as it stood, were adopted, the amalgamation of two companies, in the future, would be absolutely impossible. It was required that one-half of the policyholders should give their assent in writing before an amalgamation could be effected. There would be much difficulty, he believed, in getting those documents, and he thought that the greatest facilities should be given for such a purpose. In a case where two companies might be too weak to walk alone, amalgamation, if properly carried out, might be judicious, for then there would be only one Board of Directors, one staff, and one body of agents to maintain. His hon. Friend the Member for Bandon (Mr. W. Shaw) proposed, as an Amendment, to leave out the words requiring the written assent of one-half, and to substitute certain words providing that any policyholder or annuitant in the company, might, within a month after receiving such notice, elect either to agree to such amalgamation or transfer, or might require the company to purchase his life policy or annuity, the value to be settled by agreement or arbitration. He would not press his Amendment to a Division; but he wished to obtain an expression of opinion from the Committee on the subject.

Mr. ANDERSON said, amalgamation had been the fruitful source of fraud, and many companies had been got up for that purpose. He therefore hoped the clause would be left as it stood.

Mr. STEPHEN CAVE observed that his object was not to interfere unnecessarily with amalgamations and transfers, which, in many instances, were very proper proceedings. His only wish was that they should be carried on openly and fairly, and that no means for effecting fraudulent amalgamations and transfers should exist in future. With respect to amalgamations, he provided in the Bill that no amalgamation should be made without proper notice to the policyholders in both companies; and in case of transfer he had only gone so far as to require notice to be given to each shareholder in the company to be transferred. This provision, combined with the enactment embodied in Clause 14, would provide a safeguard against fraud.

MR. G. B. GREGORY said, he thought there might be a difficulty in giving notice under the 12th clause, and he would suggest that the notice should be sent to the persons by whom the last premium was paid.

MR. T. CAVE said, he was desirous that the fullest notice should be given to all parties.

MR. H. B. SHERIDAN said, there seemed to be some misconception entertained by the Committee with reference to amalgamation. It was not his intention to propose any Amendment to the clause; but he was prepared to support the hon. Gentleman who had introduced it (Mr. T. Cave). An impression appeared to prevail that only a few amalgamations had taken place, and that those amalgamations had been characterized by fraud. Now, so far as he knew anything about amalgamation, he must say that he had never seen symptoms of any discreditable proceedings on the part either of the directors or of any other gentlemen by whom the negotiations were to be conducted. With respect to the Medical, Invalid, and General—a company with the affairs of which he was acquainted—he might say that the subject of amalgamation was fully considered by the two Boards. Legal advice was called in, and no steps were taken until the consent of the shareholders to the transfer was obtained. Amalgamation was the rule, and not the exception. It was on record that as many as 200 amalgamations had taken place, and he believed it was owing to that principle that insurance companies compared so favourably with all other descriptions of joint-stock enterprize in regard to solvency. If he had been in Order, when Clause 3 was proposed he should have embraced the opportunity of addressing the Committee upon the present position of insurance companies; but as the Chairman had ruled that it was not proper for him to deliver such an address, he did not propose further to revert to it. Had he been allowed to do so, he should have shown how fallacious most of the opinions were on this subject. He believed that in the course of a very short time there would not be more than one insurance company which would be otherwise than solvent, and in that company the deficiency was, according to the last report, less than one year's income, and not a single shilling of loss was likely to be ultimately sustained by the policyholders. £2,000,000 of uncalled-up capital were yet at their service. The Albert had only amalgamated eight times, and not, as had been said by some, 67 times, and it was because of the amalgamations that it was in so good a position. The oldest, the wealthiest, and the most respectable of the insurance companies had practised amalgamation. He might allude especially to the Accidental, the Albert, the Alliance (three times), the Eagle (19 times), the Law Union (eight times), and others. He should not have addressed the Committee had it not been for the remark that amalgamation had not been practised successfully in connection with life insurance companies, and for the harsh manner in which the subject had been treated.

LORD GEORGE CAVENDISH said, that when two companies proposed to amalgamate, one of the conditions should be, that those of the shareholders who dissented should receive, at the end of six months, the surrender value of their policies in full.

MR. ALDERMAN LUSK said, he thought the clause very fairly drawn.

Amendment, by leave, *withdrawn.*

MR. W. SHAW said, he proposed to move, in line 41, to leave out from "personally" to "obtained" in page 4, line 3, and at end to add—

> "And any life policyholder or annuitant in such company may, within one month after receiving such notice, elect either to agree to such amalgamation or transfer, or may require the company to purchase his life policy or annuity, the value to be settled by agreement or arbitration."

MR. STEPHEN CAVE objected to the Amendment, on the ground that it would render no security to the policyholders, but would only facilitate the withdrawal of some smart people.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 13 (Application to Court).

MR. SYNAN said, he would beg to move, in line 11, to leave out "one-fourth," and insert "two-fifths," the effect of which would be to require the consent of two-fifths of the policyholders. The fact that the Albert had amalgamated with 22 rotten companies, and spent £3,000,000 on the various transactions, was a sufficient vindication of the Amendment.

After a few words from Mr. STEPHEN CAVE,

MR. H. B. SHERIDAN said, the hon. Member (Mr. Synan) had again misled the Committee as to the amalgamations with the Albert. The Albert had amalgamated not with 22, but with eight offices, connected with which there were many Members of both Houses of Parliament; and, so far from being rotten, they had, at least, £2,000,000 of uncalled capital.

MR. KNIGHT said, these transactions were carried on by vastly clever fellows, who were ready to represent bankrupt concerns as solvent, and he hoped his right hon. Friend would introduce some words which would secure that there would be some offices to give a *bonâ fide* value.

MR. T. CAVE said, he could confirm the hon. Member's statement. He admitted that it had been too easy to get a valuation put forth quite at variance with the real value.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 14 15 and 16 *agreed to.*

Clause 17 (Penalty for non-compliance with Act).

Amendment proposed, in page 5, line 20, after "Trade," to insert—

"Which notice shall be published in one or more newspapers as the Board of Trade may direct, and after such publication."—(*Mr. Stephen Cave.*)

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Clauses 18 and 19 *agreed to.*

Clause 20 (Other circumstances under which company may be wound up by the Court of Chancery).

MR. ANDERSON said, he would beg to move, in page 5, line 33, to leave out "one or more policyholders or shareholders," and insert "not less than five shareholders or ten policyholders." The effect would be that, instead of the Court being empowered to make an order to wind up a company on the application of any one policyholder or shareholder, it would not be able to do so unless five shareholders or 10 policy holders co-operated for the purpose. The clause would at present give too much facility for wrecking companies.

MR. STEPHEN CAVE opposed the Amendment on the ground that it was better that the Judge should have his attention directed to the merits of the application rather than to the number of people making it. This was now the law in respect to shareholders in joint stock companies, and it was merely intended to place policyholders in the same position.

SIR DAVID SALOMONS said, he did not think five shareholders or 10 policyholders too large a number.

MR. SHAW LEFEVRE said, there was nothing at present to prevent a single shareholder making an application to the Court of Chancery to wind up a company, and the Court, on such application, would determine whether the company was insolvent. The clause cleared up the doubt whether a policyholder was sufficiently a shareholder to make up such an application.

MR. H. B. SHERIDAN said, he thought the advertisement required to be published in one or more newspapers relative to the winding-up of a company by the Court of Chancery might have a very injurious effect on the company. It was well known that proceedings for winding up a company were often taken by parties who, as in the case of the European, could not pay the costs they were adjudged to pay. He would suggest that the words—

"Where copies of such petition have been served upon the proper officers of the company, no advertisement of the petition shall take place without the express sanction of the Judge,"

should be added.

MR. RUSSELL GURNEY said, he would point out that the introduction of such words would be altogether futile, because they could not prevent a newspaper inserting anything it pleased.

MR. G. B. GREGORY said, that the wrecking of public companies had become almost a trade, which was carried on by persons of disreputable character, who actually lived on the ruin they inflicted. He thought, however, that the evil was to be checked rather by the wise exercise of the jurisdiction of the Court than by the action of the Legislature. He preferred the clause as it stood.

MR. D. DALRYMPLE said, he hoped the Amendment would be adopted.

MR. ANDERSON said, as he wished that that Bill should pass as rapidly as possible, he would not divide the House.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 5, line 42, after "sufficient," to insert "with the future premiums receivable by the company."—(*Sir John Lubbock.*)

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 21, 22, and 23, *agreed to.*

On Motion of Mr. BOWRING, New clauses (List of shareholders) and (Deed of settlement) *added.*

MR. T. CAVE said, he rose to move a new clause requiring companies to pay, on request of the holders of any life-policy issued by them, the equitable surrender value of policies, which should, in no case, be less than one-third of the premiums paid in respect of such policies, as was, indeed, the uniform practice of all respectable companies. The hon. Member concluded by moving the clause of which he had given Notice (Surrender value of policies).

MR. STEPHEN CAVE said, that no doubt, many cases of hardship had arisen where offices refused a surrender value. But this clause went too far; he himself had prepared an Amendment to the 6th Schedule which accomplished all that was really practicable.

Clause *negatived.*

MR. T. CAVE said, he would next propose a new clause (Declaration of dividends), which had the assent of the right hon. Gentleman opposite, the author of the Bill (Mr. S. Cave).

MR. SHAW LEFEVRE said, he hoped the clause would not be pressed, as it provided no machinery for enforcing the obligation which it imposed.

Clause *negatived.*

MR. T. CAVE said, he wished to explain that he had given way at the request, privately made, of the right hon. Gentleman opposite (Mr. S. Cave), who was very anxious that the Bill, if possible, might be finished that afternoon. He accordingly had no objection to withdraw all the Amendments of which he had given Notice, and would bring them up upon the Report.

Schedules amended, and *agreed to.*

Bill *reported;* as amended, to be *considered* upon *Monday* next.

## SALE OF LIQUORS ON SUNDAY BILL.

(*Mr. Rylands, Mr. Candlish, Mr. Birley; Mr. Osborne Morgan.*)

[BILL 57.] SECOND READING.

Order for Second Reading read.

MR. RYLANDS, in moving that the Bill be now read a second time, expressed considerable disappointment at the inability of the Government to take up the measure; but said he could not blame the Government, because it was evident that they had more to do than they could get through this Session. He believed he was justified in saying that there was a strong feeling out-of-doors in favour of the Bill, and that public opinion was tending in the direction of restricting the sale of drink on Sundays. He did not know whether the hon. Member for the City (Mr. Alderman Lawrence), who had given Notice of his intention to move the rejection of the Bill, represented the licensed victuallers; but, if so, the publicans were taking a very unwise course, which would have the effect of driving many who only desired moderate reform in this matter to support the legislation advocated by the hon. Member for Carlisle (Sir Wilfrid Lawson). His only object was to limit the evil which existed; and he thought it monstrous that, while all other places of amusement and occupation were closed on Sunday, public-houses should be left open to tempt the working classes to indulge in a vice which not only robbed them of their earnings, but interfered with their ability to obtain money by their daily labour. When hon. Members said that if this Bill passed clubs ought also to be dealt with, he must tell them that the objection did not come from the poor themselves. He was in a position to state to the House that a canvass which had been taken in various parts of the country showed that in many of the large towns there had been a very considerable manifestation of opinion in favour of Sunday closing. In one case, where the canvass extended over a considerable number of towns and populous localities, the result was that, out of the entire number of householders, no less than 350,000 heads of families expressed themselves in favour of the Sunday closing of public-houses; about 60,000 were opposed to it, and 37,000 declined to express any opinion on the subject.

In some of the towns there was a considerable number of the publicans themselves who expressed themselves in favour of early closing. In Liverpool, in 1860, there was a separate canvass, and the results were of the most important character. The number of inhabited houses was 65,000; returns were obtained from 60,000, of which the heads of families in no less than 44,000 were in favour of entirely closing public-houses on Sunday; 3,330 were opposed to it, and 6,417 were in favour of partial closing or increased restriction on the sale of intoxicating liquors on the Sunday. In Birkenhead, also, the result of the canvass was very favourable, showing how large a number of persons were in favour of closing the public-houses on that day: 3,204 working men, and 1,356 belonging to other classes of society—making a total of 4,560—were in favour of Sunday closing; while the number of persons who expressed an opposite opinion was only 186 working men, and 236 of other classes of society—making a total of 422. At Runcorn, out of 903 houses visited, the heads of 844 were in favour of Sunday closing, only 33 against it, and 26 declined to sign either for or against it; and, out of 19 public-houses canvassed, 13 were in favour of Sunday closing, 4 against it, and 2 neutral. At Welshpool a mutual agreement was almost come to among the landlords to close their houses on Sunday; but the movement failed from the resistance of two landlords. At Bradford 90 per cent of the working population were in favour of Sunday closing. If the working men in such large bodies were in its favour, he did not see why, because there happened to be some idea of the desirableness of keeping open the clubs —with which no one desired to meddle— they should raise difficulties which had not been raised by the working men themselves. He ventured to say that, if this measure were adopted, the people who would be most benefited would be the working men. Men would not be led away by impulse, finding the public-houses open, and thus they would be able to spend a considerable time in harmless recreation instead of in a foolish and reckless manner. In reference to Sunday drinking, one great reason which he had for pressing this Bill on the House was the fact that the evidence proved that there was a much larger amount of crime arising out of drink in consequence of keeping open the public-houses on Sundays, and that the number of cases which had to be dealt with on the Monday by the police magistrates was larger than on any other day of the week. He held in his hand the Returns, signed by the chief constable, of the city of Manchester; from which it appeared that, in 1866, there were taken into custody, on charges arising from drunkenness, on ordinary days of the week, 22 on the average, but on Sunday, 40. In 1867 the number reported as being taken up for this crime was 28 on ordinary days, and 40 on Sunday; in 1868, on ordinary days of the week, 24, and on Sundays, 37; and in 1869, on ordinary days, 29, and on Sundays, 42; so that every year showed a great increase of drunkenness on the Sundays, as compared with any other day of the week; and, to show that the evil was not decreasing, it was only necessary to turn to the records of the police, which would show that not only was there no diminution in the number of cases, but that they increased exactly in proportion to the facilities afforded, and the temptations thrown out to men to drink; and that they diminished on week days, when the working men were occupied at their work. To say nothing of the evidence of the results of legislation to repress drunkenness during the last 20 years, he would only point to that which had been furnished by recent legislation; and he would ask any reasonable man in that House to say whether they could, by legislation, very materially diminish the evils of drinking? Hon. Gentlemen might say that they could not shut men's mouths and put a stop to drinking by law; but those who made such an assertion could only be very imperfectly acquainted with the facts of the case. The hon. Member for Essex (Sir Henry Selwin-Ibbetson) introduced an admirable Bill on this subject last year; and he had already seen the fruits of his labours, because there could be no doubt that there was a considerable diminution in the drunkenness and crimes arising out of the houses which his Bill affected. By diminishing the number of hours during which a public-house or drinking-shop was allowed to be open, they would always produce a corresponding benefit by the diminution of crime; and, therefore, he appealed to the Government and to the House to support him in this Bill—a Bill which he believed, if carried out to its full extent, would be of great advantage, not only to the working classes, but to every other portion of the community. The great evil and vice that degraded the people of this country was the vice of drunkenness. He did hope that that household Parliament would do something to preserve them from it, and feel that judicious legislation could do a great deal to alleviate the evil, and thus elevate the moral, social, and religious condition of the people.

Mr. BIRLEY, in seconding the Motion, said, that probably no question had excited so much interest among the working classes in the manufacturing districts, and among those who were interested in their welfare, as this one of imposing a check on the liquor traffic. This was proved by the Petitions which had been presented, and the Returns which had been referred to. Sunday drinking was a plague-spot in the life of our labouring classes. How was it that on the Monday, the day after the day of rest, the working classes had more difficulty in getting to work than on any other day of the week? And how was it that there was more vice on the Sunday than on any other day? The Beershop Act of 1830 was intended, not to give facilities for tippling during the whole or the greater part of Sunday, but to enable the working man to procure a wholesome and unadulterated beverage and carry it home to his family. Its operation had, however, been quite contrary to what was anticipated. It had been argued that any further attempt to restrict the opening of public-houses on Sunday would not be efficacious; but, in answer to that objection, he would merely refer to the Wilson-Patten Act, which, although only in operation for 10 months, confessedly diminished to a large extent the amount of drunkenness on Sunday. The general desire of the working classes for a measure like this, and the acknowledged fact that a vast amount of crime was owing to the drinking habits of the people, ought to be arguments sufficiently weighty to induce the House to pass the Bill.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Mr. Rylands.*)

Mr. Alderman W. LAWRENCE, in moving that the Bill be read a second time upon this day six months, said, he gave the supporters of the Bill credit for their desire to prevent drunkenness; but he thought they were committing a great mistake in bringing forward this Bill. He felt convinced that drunkenness could not be prevented by the passing of an Act of Parliament, while from restrictive legislation evils of a kind that were not foreseen would arise. He admitted, indeed, that the Act of 1839 had been productive of great advantages; but it should be remembered that it was passed by the common consent of the people in all parts of the country, and of the licensed victuallers themselves. The statistics which had been brought forward went to show that the working classes in the North of England were lapsing into habits of drunkenness and profligacy. He trusted the statistics were inaccurate; but, however this might be, it was certain that in the metropolitan district drunkenness was annually diminishing; and, therefore, for London, at all events, a measure of this highly restrictive character was quite unnecessary, nor would it be supported by public opinion. In 1854 Colonel Wilson-Patten's Act was passed, which limited the opening of the public-houses on Sundays from 1 to half-past 2, and from 6 to 10 in the evening. There was great discontent in consequence of the passing of that Act, and it was repealed in 10 months, and the Act of 1855 was passed, which provided that the houses should be closed till 1 on the Sunday, and again between 3 and 5, from which latter hour they were to be open till 11 at night. That Act had worked well. This Bill was of so sweeping a nature that it would be impossible for any Government to carry it out. The case of Scotland was not at all analogous, for the Scotch people drank whisky, which could be kept in bottles; whereas the English were accustomed to drink beer, which could not be conveniently kept in that manner. If the object was to prevent drunkenness by closing public-houses, why was not the further and more effective step taken of preventing the manufacture of intoxicating drinks? The Commissioners of Police attributed the diminution of drunenness in the metropolis to the greaterk facilities of travelling, and to the open spaces set apart for the people. The hon. Member was proceeding to enumerate the conflicting definitions given of a "*bonâ fide* traveller" by various legal authorities, when the clock pointed to a quarter to 6, and, in accordance with the Standing Order,

Debate *adjourned* till *To-morrow.*

### LOCAL GOVERNMENT SUPPLEMENTAL (NO. 3) BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Burton upon Trent, Chiswick, Derby, Harrogate (two), Kidderminster (two), Kingston upon Hull, Northam, Redcar, and Trowbridge, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 188.]

### EAST INDIA CONTRACTS BILL.

On Motion of Mr. GRANT DUFF, Bill to render valid certain Contracts informally executed in India, *ordered* to be brought in by Mr. GRANT DUFF and Mr. STANSFELD.

Bill *presented*, and read the first time. [Bill 186.]

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 30th June,* 1870.

MINUTES.] — PUBLIC BILLS—*First Reading*—Medical Officers Superannuation * (169); Liverpool Admiralty District Registrar * (170); Cattle Disease (Ireland) * (171).

*Second Reading*—Metropolitan Board of Works (Loans) * (131).

*Committee* — Wine and Beerhouse Act (1869) Amendment * (109-172); Medical Act (1858) Amendment (93-173); Ecclesiastical Dilapidations (No. 2) * (114-174).

*Third Reading*— Attorneys and Solicitors Remuneration (86); Churchwardens Liability * (101), and *passed.*

### ATTORNEYS AND SOLICITORS REMUNERATION BILL—(No. 86.)

(*The Marquess of Salisbury.*)

THIRD READING. BILL PASSED.

Bill read 3ª (according to Order).

THE LORD CHANCELLOR said, that in consequence of an imperfect marginal note the last four lines of Clause 19 had until now escaped his notice. They provided that—

> "In all cases an appeal should lie to the proper appellate tribunal on any question of and relating to costs in the same manner as an appeal lies respecting any other matter or question."

He thought it very objectionable that there should be an appeal upon such a matter.

LORD CHELMSFORD agreed in this opinion.

THE MARQUESS OF SALISBURY said, that he was quite willing that the lines should be struck out.

Amendment made accordingly.

LORD CHELMSFORD said, that the principal reason for the introduction of this Bill, of which he approved so far as it went, was the unsatisfactory mode in which solicitors were remunerated for conveyancing business. They charged, not according to the amount of labour and care bestowed, but according to the length of the deeds. The consequence was that there was no inducement to employ skill in making a neat and concise deed; and, on the contrary, there was every temptation to adhere to old forms and to introduce a number of covenants that were quite unnecessary. That class of business being generally transacted by leading members of the profession, they might fairly be entrusted with the power of entering into agreements as to the amount of their remuneration; but there was no reason why the power to make agreements should extend to business done in reference to actions at law and suits in equity. There never had been any objection to the mode of paying attorneys in matters of litigation, and the great object hitherto had been to protect the clients against improper charges. With this object a scale of fees had been fixed by the Judges, a staff of taxing officers were appointed, and the expenses of taxation, in the event of one-sixth of the total sum being taken off, was thrown on the attorney. There was no objection to this system, and though he was sure the alteration proposed would not be unfairly taken advantage of by attorneys engaged in great commercial cases, there were attorneys of a very different stamp who would be glad to withdraw their charges from the scrutinizing eye of the Courts by making a private agreement with their clients. Knowing what the probable costs would be under the present system, they would take care to stipulate for something in excess, and to this the ignorant client would easily assent. It was true the Bill provided that such agreements could not be enforced by action except by petition to the Court, which would cancel them if unreasonable; but the client would not be aware of this protection, and would not know whether the agreements were reasonable. Moreover, an attorney, if the action had succeeded, might recover the whole amount of the expenses from the opposite side, and yet exact from his client the sum agreed on. With the purpose of remedying this, he proposed an Amendment at the end of Clause 1, to the effect that no agreement for business done in a Court of Law or Equity should be binding, unless it were submitted to a taxing master, and that the Court should have power to cancel such agreement.

THE MARQUESS OF SALISBURY said, he acceded to the Amendment with some reluctance, as it proceeded on a principle which noble Lords had recently denounced—that of protecting people against the results of their ignorance in making contracts. His noble and learned Friend seemed to have as bad an opinion of English attorneys as the Government had of Irish landlords. His belief was, that in the long run the best way of making people cautious about what contracts they entered into, was to make them liable to the results, if they were not.

Amendment made accordingly.

Bill *passed*, and sent to the Commons.

## MEDICAL ACT (1858) AMENDMENT BILL.

(*The Lord President.*)

(NO. 93.) COMMITTEE ON RE-COMMITMENT.

House in Committee (on Re-commitment) (according to Order).

Clause 2 (Definitions).

THE DUKE OF RICHMOND said, that this Bill, if carried into law in its present form, would be very prejudicial to the interests of the Universities of Scotland, and as he had the honour to be the Chancellor of one of them—the University of Aberdeen—he felt bound to place some Amendments on the Paper. The effect of the Bill would be most disastrous in a pecuniary sense to the Universities of Scotland. The University of Aberdeen was regulated by an Act passed in 1860. The regulations had been carried out in every respect, and all the details of the education given by the University were in accordance with them. Since 1860 the University of Aberdeen had granted a very great number of medical degrees. The recipients had shown themselves in every way deserving the honour, and he had no hesitation in saying that the standard of the education given at that University was as high as the education given at any other University in the kingdom. When, therefore, he found that an educational establishment like this was about to be seriously damaged by their legislation, he thought it his duty to put some Amendments on the Paper which would render the measure as little injurious as possible. Since, however, he had found that the operation of the Amendments would be much wider than he intended, and he did not intend to press those parts of his Motion. He should confine himself to that which defines the subjects in which the candidates were to examined.

Amendment *moved* at the end of Clause 2, insert the following:—

> "The term 'fundamental medical sciences' means and includes chemistry, botany, natural history, general pharmacy, anatomy, and physiology."—(*The Duke of Richmond.*)

EARL DE GREY AND RIPON was glad that the noble Duke, with his usual candour and fairness, had forborne to press his Amendments, which would render the Bill quite worthless. There was no objection to the present Amendment.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 3 to 12, inclusive, *agreed to.*

Clause 13 (The granting of licences).

EARL DE GREY AND RIPON proposed an Amendment making it the duty of the General Medical Council to grant the licences. This, it had been represented to him, would be more likely to insure uniformity of standard than if the licences were granted by each of the three examining Boards to be constituted in the three kingdoms.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 14 to 16, inclusive, *agreed to.*

Clause 17 (Erasure by General Medical Council, and correction of register.)

THE MARQUESS OF SALISBURY said, that this clause enabled the Medical Council to inquire into any allegation against a medical practitioner of infamous or disgraceful conduct in any professional respect, and on proof of such charge to erase his name from the medical register—thus depriving him of his livelihood. Now, charges against military or naval officers were inquired into in open Court, but this inquiry might be secret; and though in the case of lawyers there were analogous powers, lawyers were better fitted to exercise them than persons who had not had a legal education. He would suggest an appeal to the Privy Council or some other authority.

EARL DE GREY AND RIPON said, that the clause went very little further than the existing law, the advance consisting in the addition of the term "disgraceful." This had been done on account of a strong representation by the General Medical Council of their inability to deal with several highly discreditable cases, in which it would have been most desirable to erase the names of the offenders from the register. This punishment, moreover, would not prevent their still practising medicine; for all that the Bill did was to forbid non-registered persons from assuming titles calculated to mislead the public as to their real position.

Clause *agreed to.*

Clause 18 (Grant of qualifications by medical authorities limited).

LORD CAIRNS admitted the propriety of prohibiting the various bodies now conferring medical degrees from conferring the title of licentiate, which would be granted by the Medical Examining Board under this Act. He thought, however, that those Universities which now required, or might hereafter require, graduation in Arts as a preliminary qualification for graduation in Medicine or Surgery, should be allowed to grant other medical degrees not only to persons who had already passed the Examining Board, but to persons who had not yet become licentiates; though, of course, in the latter case, such degrees would not obviate the necessity of obtaining the degree of licentiate. Non-educating bodies might fitly be precluded from conferring other medical degrees, except on persons who were already licentiates; but without this concession to educating bodies, such as Oxford, Cambridge, and Dublin, students would be withdrawn from the Universities before the completion of their curriculum, and the position of the profession would be seriously lowered. The noble and learned Lord proposed an Amendment in this sense.

Amendment *moved,* line 32, after ("authorities") insert—

("Except such Universities as require graduation in arts as a preliminary qualification for graduation in medicine or surgery;")

and in same line leave out ("to any person any of the titles of licentiate") and insert—

("Except to persons registered or qualified to be registered in accordance with the provisions contained in this Act, any of the qualifications").—(*The Lord Cairns.*)

THE DUKE OF RICHMOND said, he should object to the Amendment of his noble and learned Friend unless it were extended to graduation in Science as well as in Arts. At Aberdeen, where the curriculum of Arts occupied four years, graduation in Arts was not required as a qualification to graduation in Medicine, though there was a strict preliminary examination. There would be legal and other difficulties in deviating from this system.

THE EARL OF POWIS also objected to the Amendment as injurious to Cambridge, which, like the University of London, did not make graduation in Arts a condition of medical degrees.

THE MARQUESS OF SALISBURY thought the noble Earl who last addressed the House rather misunderstood the object of the Amendment, which was to encourage as much as possible the members of a profession so exclusively technical as that of medicine to a wide and enlarged course of study. It was of the greatest importance that the members of that profession should be men of wide and enlightened minds, and therefore he thought the Amendment worth considering.

EARL DE GREY AND RIPON explained that a clause almost identical with the terms of the Amendment had stood in the Bill as originally framed; but that it had been withdrawn at the instance of the Universities themselves.

He thoroughly agreed in the opinion that it was important to encourage the studying of the Arts and of general knowledge by men intended for the medical profession. In order to promote as much as possible a liberal education, he had inserted in Clause 10 the words "general knowledge," and had provided in a subsequent clause for the registration of titles in Arts. But he thought the Amendment of the noble and learned Lord would draw an invidious distinction between Oxford and Dublin and the other Universities, and would inflict hardship upon the London and Scotch Universities. He, therefore, should be obliged to resist it.

**Lord CAIRNS** said, that the Amendment would not operate as a prohibition upon either of the Universities, and he thought that the question ought to be discussed upon broader grounds than the mere petty jealousies of the different Universities. It was for Parliament to disregard such narrow views, and to say whether or not it was desirable to require that the men who joined the medical profession should have received the highest class of education. The opinions of the Colleges of Physicians and of Surgeons were entirely in accordance with the Amendment he had proposed. He was most anxious to take the sense of the House upon the question.

**The Bishop of CARLISLE** observed that a practice similar to the proposal contained in the Amendment had been in use at Cambridge University, but in consequence of its not working well it had been given up.

Amendment *negatived.*

Clause *agreed to.*

Remaining Clauses and Schedules *agreed to.*

On Question, That the Chairman be directed to report the Bill with the Amendments to the House,

**The Earl of LICHFIELD** said, a Petition had been presented to their Lordships from the British Medical Association, praying that a clause might be inserted in the Bill providing for the direct representation of the profession in the General Medical Council; and they said that the measure would not be acceptable to the profession generally unless some such provision were inserted in it. There could be no doubt that the Petition accurately represented the views of the medical profession, seeing that it emanated from a body comprising 4,000 of its members, and that similar Petitions had been presented by several of the Colleges; while, as he believed, a memorial had also been addressed to the Lord President of the Council, setting forth the opinions of 10,000 members of the profession on that point. He was quite aware that the subject had been brought under their Lordships' notice at too late a period for anything to be done then with reference to it; but he thought it would be right that an opportunity should be given for the consideration of the matter, and with that view he proposed to move, on the bringing up of the Report, the insertion of the clause suggested in the Petition to which he had alluded.

The Report of the Amendments to be received on *Monday* next; and Bill to be *printed,* as amended. (No. 173.)

House adjourned at a quarter past Seven
o'clock, 'till To-morrow, half past
Ten o'clock.

# HOUSE OF COMMONS,

*Thursday, 30th June,* 1870.

MINUTES.] — Public Bills — *Resolution in Committee*—New Zealand Loan (Guarantee)*.
*Ordered—First Reading*—Sanitary Act (1866) Amendment * [189].
*Second Reading* — Magistrates, &c. Election (Scotland)* [177].
*Committee* — Elementary Education (*re-comm.*) [167]—R.P.
*Committee—Report—*Curragh of Kildare * [175]; Charitable Funds Investment * [168]; Rents and Periodical Payments * [169].

## EAST INDIA COMPANY.

### PERSONAL EXPLANATION.

**Sir STAFFORD NORTHCOTE** said, he wished to make a personal statement with respect to the debate of Tuesday evening on the Motion of the hon. and gallant Member for Aberdeen (Colonel Sykes). His absence was alluded to on that occasion, and he was anxious to explain that it was not in any way intentional. He was bound to be present at quarter sessions in Devonshire, and he could not get any of his brother magistrates to take his place. He much regretted that he was not present during the debate on Tuesday, for if he had been he should have explained to the House his reasons for not supporting the Motion of the hon. and gallant Member.

## ARMY—CASE OF MR HOSKINS. QUESTION.

MR. M. T. BASS said, he would beg to ask the Secretary of State for War, Whether any, and if any what representations were made to the War Office or Horse Guards by Colonel Smyth, or any other person or persons, affecting or reflecting upon the character of Mr. Abraham Hoskins, surgeon, of Birmingham, who has been dismissed from the appointment he held in connection with the barracks and recruits at Birmingham?

MR. CARDWELL: No complaint, Sir, has been made of the manner in which Mr. Hoskins performed the duty of examining recruits at Birmingham. No imputation rests upon his character: Colonel Smyth completely withdrew any such imputation. The reason no civil practitioner is now employed to examine recruits at Birmingham, is that under the new arrangement of military districts an Army medical officer is stationed there.

## RULES OF THE ECCLESIASTICAL COMMISSIONERS.—QUESTION.

MR. M. T. BASS said, he would beg to ask the hon. Member for North Devon, Whether the Rules and Regulations of the Ecclesiastical Commissioners are generally known or understood; whether he will be so good as to state what are the conditions on which the Commissioners make Grants for Churches, for Parsonages, for Endowments, and in aid of Endowments; and, whether they make Grants or give aid in any way to small populations in the same relative proportions as to large populations?

MR. ACLAND, in reply, said, if the experience of the hon. Member for Derby led him to the conclusion that the proceedings of the Ecclesiastical Commissioners were not generally understood, he could assure him it was not from any want of any care or trouble on the part of the Commissioners, whose constant endeavour was to give the public the fullest information, and to make their rules distinct and intelligible. If he might judge from the number and form of the applications brought constantly under the personal notice of the Commissioners, there was little lack of understanding of the rules on the part of those whose interests were chiefly affected. As regarded the second Question, the conditions on which the Commissioners made grants for parsonages and endowments and in aid of endowments, were advertised in the papers yearly, as will as set out in the Annual Reports presented to Parliament. As regarded churches, the Commissioners only contributed in their capacity as landlords, where estates were vested in them. They contributed to schools also on the same principle. In all cases where ecclesiastical property had passed through the hands of the Commissioners the local claim of the parish was recognized at the earliest possible period with reference to its peculiar circumstances. Respecting these local claims there were no published rules, but it might be stated generally that in the case of parishes having such a local claim, and a population of not less than 500 persons the income was raised to £300 a year with a house; where the population was large, provision was also made for a curate, as in the case of the local claims on the Finsbury Prebend. In cases of population below 500 having a local claim, an augmentation was made, but to a smaller amount. There was another class of cases in mining districts, in which the Commissioners gave one-half of the stipend of a curate on condition of the other half being locally provided. These grants amounted to nearly £12,000 per annum, as stated in the last Report. As regarded the third Question, the Commissioners did make grants and give aid to small populations in at least the same relative proportion as to larger populations. As was stated to the hon. Member on a former occasion, they were in a greater relative proportion. If the hon. Member had any suggestion to make with a view to render the proceedings of the Commissioners more generally known they would receive every attention, as the Ecclesiastical Commissioners courted publicity in every way, and only desired to discharge their duty in the most efficient manner.

### STATE OF MEXICO.—QUESTION.

MR. H. B. SHERIDAN said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any information has been received by Her Majesty's Government with reference to the alleged invasion of the Mexican Republic by citizens of Guatemala, with the object of detaching the States of Yucatan, Tehuantepic, and Oaxaca from the first named Federation?

MR. OTWAY: Sir, there is no information on this subject in the Foreign Office. As my hon. Friend is doubtless aware, we have no diplomatic relations with Mexico at this moment, and, therefore, information comes to us rather tardily from that country.

### NAZARETH HOUSE, HAMMERSMITH.

#### QUESTION.

VISCOUNT ENFIELD said, he wished to ask the President of the Poor Law Board, Whether it be true that in consequence of the extra assessment made upon the building known as Nazareth House, Hammersmith, inhabited by a religious body called "The Sisters of the Poor," not being paid, the Guardians of the Poor of the Hammersmith Union have seized upon all the furniture and bedding of the inmates of that charitable institution; and, whether he is of opinion that assessment committees should not exercise greater forbearance in laying extra burdens of local taxation upon religious and charitable institutions?

MR. GOSCHEN: Sir, the Poor Law Board have no official knowledge of the extra assessment and the seizure of furniture referred to. I have seen the statement in the public papers, and have received private letters on the subject; but it should be understood that the Poor Law Board have no power, jurisdiction, or right of interference as regards the proceedings of assessment committees when they are appointed. The assessment committees have strictly to follow the laws which require them to determine the rateable value of property on certain principles. If they violate those principles provision is made for appeals. As regards the seizure of the property by the guardians, I should think there must be some mistake. The guardians do not levy the rate. That duty devolves upon the overseers, and if they were to leave uncollected a rate legally assessed they might be held personally responsible, and be surcharged for the amount. The noble Lord further asks me my opinion as to the degree of forbearance which the assessment committee ought to exercise in assessing certain institutions. I have already stated that the Poor Law Board have no *locus standi* in the matter of valuation, and, therefore, my opinion would be an individual one only. If the noble Lord wishes to elicit the views of the Government on the general subject of the exemption of religious institutions from local rating, I can only say that we shall be prepared to state them when the Bill of the hon. Member for Birmingham comes on for discussion. The forms of the House do not allow an argument to be made in reply to a simple Question addressed to a Minister, and a bare statement of opinion without an argument would only mislead.

### IRELAND—PRIMARY EDUCATION.

#### QUESTION.

SIR FREDERICK W. HEYGATE said, he would beg to ask the First Lord of the Treasury, Whether, considering that the Report and Evidence by the Royal Commissioners of Irish Primary Education has been yet only partially issued, viz., volumes 1 to 5, consisting of 3,487 pages (volumes 6, 7, and 8, and the addenda to vol. 1 not having been yet completed), and the importance and difficulty of the subject, the Government will state that they have no intention of altering the present system in the next Session of Parliament; and, in the event of such being the case, whether they will take into immediate consideration the present inadequate remuneration of the national school teachers in Ireland?

MR. GLADSTONE: The hon. Gentleman, Sir, has not stated the whole strength of his case in putting this Question, for he has omitted that portion of it in which he points out that the portion of the Evidence taken before the Royal Commissioners on Primary Education in Ireland, published, amounted to 3,487 pages, and that a considerable portion still remained unpublished. The last portion of their Evidence delivered I have not seen, and I have not even read those 3,487 pages. At the present, therefore, I am little wiser for the labour of this Commission. At the same time, although the Commission was not appointed by the present Government, nor in consonance with the views which we entertained, yet it is the duty of the Government to pay respectful attention to the recommendations of those Commissioners so soon as we shall have an opportunity of doing so. Under these circumstances, I am not able to give the hon. Baronet any assurance on the subject except this—that I have no present intention of making a proposal to the House on the subject of Irish National Education. The practical question of the hon. Baronet I presume is whether there cannot be any immediate review or consideration of the recommendations of that Commission, and if we shall consent to proceed to consider separately the present inadequate remuneration of the Irish school teachers. With regard to that subject, we think it would not be expedient to make any proposal to Parliament at the present time. The question is so mixed up with the whole machinery of the system of education—there are so many rules and regulations and so many expedients that may be brought to bear upon the subject of education with regard to the mode of providing the funds by which it is to be carried on—that we do not think it would be prudent to make a proposal with regard to the salaries of the national schoolmasters until we shall have an opportunity of considering the whole subject. I am not prepared to state the course we may then adopt; but it will be such as we think will be consonant with justice.

### HYDE PARK—THE SERPENTINE.
### QUESTION.

Mr. STRUTT said, he wished to ask the First Commissioner of Works, Whether he contemplates making any new regulations with respect to bathing in the Serpentine; and, whether he will take into his consideration the desirability of setting aside some special place for that purpose for the use of the public under due regulations; and also, if possible, of affording some slight extra accommodation for those who might be willing to pay for it?

Mr. AYRTON said, in reply, that the subject of affording greater facilities for bathing in the several parks had engaged his attention. There was, however, he found, great difficulty in carrying out the plan which the Question suggested, while the cost of constructing suitable bathing-places would be considerable. It was not easy to do anything in the matter owing to the want of power on the part of any person to enforce suitable regulations. The subject would, however, be considered before next Session, and something with respect to it might, he hoped, be done.

### IRELAND—THE IRISH SOCIETY—LANDING PIER AT CULMORE.—QUESTION.

Mr. MAGUIRE said, he would beg to ask the hon. Member for the City of London, If it be true that up to the present time the Irish Society have not even commenced the construction of the landing pier at Culmore near Derry, which in April 1869 he stated was then being erected by the Society; and, if it has not been as yet commenced, could he state when it would be commenced?

Mr. Alderman W. LAWRENCE said, in reply, that he had received information from the Irish Society to the effect that they had received plans for a new pier at Culmore, and that they had obtained tenders for the erection of the works. But it had been represented to them by the lessees of the salmon fishery, that the construction of the pier in the manner proposed would seriously injure their fishing station. A new site had since been suggested, and the matter was under consideration.

### IRELAND—WATERFORD ELECTION PETITION.—QUESTION.

Mr. CHICHESTER FORTESCUE said, he would beg to ask the hon. and learned Member for Dungarvan, What course he proposes to take with respect to the Petition presented by him from certain inhabitants of the borough of Waterford, praying to be heard at the Bar of the House, or before a Committee, for the purpose of supporting certain charges made by them against Mr. Baron Hughes, in respect of his conduct when trying a Petition against the last Return for that borough?

Mr. MATTHEWS, in reply, said, he proposed to take no course with reference to the Petition. He had no personal opinion whatever as to the degree of foundation that might exist for the allegations contained in that Petition;

nor, so far as he was aware, had any hon. Member any practical means of forming an opinion on the subject, for the gravamen of the Petition was that a contrast or conflict existed between the decisions of the learned Baron on the two last Election Petitions for Waterford; and the shorthand notes of the proceedings had not been printed in either of those two cases, while in only one had they been laid on the Table of the House. He entirely disclaimed the responsibility which the Question of the right hon. Gentleman seemed to suggest. The Petition was a complaint in regard to the public conduct of the learned Judge in the discharge of public duties. Therefore, he thought that the best answer he could make was that the petitioners had a constitutional right to lay that grievance before the House. In calling upon him, wholly unconnected as he was with the matter, to lay the Petition before the House, he was asked to do that which he could not refuse to do; and, in presenting it, he was discharging a purely ministerial function. With regard to the views he entertained on the subject, he begged most emphatically to say that he offered no opinion whatever as to the truth of the allegations.

Mr. OSBORNE said, he would beg to give Notice of his intention to move that the Petition should be struck off the file.

Mr. BOUVERIE said, he would beg to ask the hon. Member for Walsall, the Chairman of the Committee on Public Petitions, How it came to pass that a Petition of that character was printed in the Appendix with the ordinary Petitions?

Mr. C. FORSTER replied, that the Committee had no power to reject any Petition presented to the House. He regretted that the hon. and learned Gentleman (Mr. Matthews), in presenting the Petition, did not at the time call the attention of the House to the allegations it contained, in order that the House might have had an opportunity of considering whether it ought to be received; and it might have been open to any hon. Member to challenge a vote on the question that it be laid on the the Table. Since the alteration in the practice of trying Election Petitions, the rule on which the Committee invariably proceeded had been to print all Petitions connected with elections, because otherwise there would be no means of making known the complaints of the Petitioners. They always took the best means they could to satisfy themselves that the Petition did not offend against the rules of the House, and that it was not made the means of circulating libellous matter against individuals. He was afraid it was a Parliamentary myth to suppose that the Public Elections Committee read every Petition which came before them. They were necessarily obliged to depend very much in these matters upon the officers of the House. When his attention was called to the allegations in the Petition by the hon. and learned Gentleman (the Solicitor General for Ireland), he felt it to be his duty to ask the clerk—than whom there was no more efficient or painstaking officer—to inform him why it was that he had not called the attention of the Committee to these allegations; and he had received from the clerk an explanation which he hoped would be deemed satisfactory, which he felt it his duty to read to the House. It was as follows:—

> "I greatly regret that a mistake occurred with regard to the printing of the Petition from the inhabitants of the city of Waterford complaining of the manner in which the proceedings on the late Election Petition had been conducted. Owing to the pressure of business arising from the great number of Petitions that were before the Committee on the same day, I omitted to call the special attention of the Committee to the objectionable matter contained in that Petition. I fully intended to have done so, and I have to express regret at the annoyance the mistake has occasioned."

Had his (Mr. C. Forster's) attention been called to the Petition, he should have exercised his power of curtailing it or of refusing to allow it to be printed with the Votes.

## EDUCATION—THE REVISED CODE—CLAUSE 51.—QUESTION.

Colonel BRISE said, he wished to ask the Vice President of the Council, Whether he proposes to modify the requirements as to building and space for Elementary Schools as laid down in the 51st Clause of the Revised Code; whether school rooms may now be hired by the year, provided the Inspector is satisfied with the accommodation; and, when he will be able to state to the House how far it will still be necessary to employ certificated masters and mistresses?

Mr. W. E. FORSTER, in reply, said, as regarded the first Question, he could only repeat what he had stated in debate, that it was impossible to say in what manner any article in the Code would be modified or altered until after the passing of the Elementary Education Bill. He could not imagine that, under any circumstances, it would be considered advisable to dispense with the requirements that buildings in which schools were held should be healthy, properly drained, and well ventilated. As to the second Question, he had no idea that any objection would be made to hiring by the year, provided the Inspector were satisfied with the accommodation. As to the last Question, he had only to repeat that when the Government considered the Code, one of the most important questions would be that of the conditions on which certificates should be given to masters and mistresses.

## ARMY—THE 9TH AND 94TH REGIMENTS —DEATHS ON THE MARCH.

### QUESTION.

MR. O'REILLY said, he would beg to ask the Secretary of State for War, How far, in the opinion of the Field Marshal Commanding in Chief, the Order in the Queen's Regulations, par. 1,087, "all marches are to commence at as early an hour as the season of the year will admit of," was complied with in the case of the 9th Regiment, whose march on the 21st of June began at 9 A.M. and ended at 5 P.M., and on the 22nd began at 6 A.M. and ended at 5 P.M.; and also in the case of the 94th, whose march on the 21st, 22nd, and 23rd began at 8¼, 8¼, and at 9¼ A.M.; and, who was the Officer, in the case of each of these Regiments, who was responsible for the hour at which the marches took place?

MR. CARDWELL: Sir, in the opinion of His Royal Highness the Order in the Queen's Regulations, par. 1,087, was not complied with, all the marches having commenced at too late an hour. His Royal Highness has, in a Minute addressed to the Adjutant General and Quartermaster General of the Army, expressed his views in detail on the subject of the late marches, and has directed his disapprobation to be conveyed to the officers in command for their neglect of the instructions laid down distinctly for their guidance in the Queen's Regulations, and has further desired that a General Order shall be published with the view of enforcing more attention to the regulations upon this subject. Colonel Thomas Knox, C.B., was in command of the 9th Regiment, and Major Lord John Taylour of the 94th Regiment, and they are answerable for the hour of starting.

## NAVY—CHATHAM DOCKYARD.

### QUESTION.

MR. CAWLEY said, he wished to ask the Junior Lord of the Admiralty, When the Contract or Contracts mentioned in the Return to this House, No. 209, of this Session, to release Mr. Gabrielli from the completion of a portion of the works at Chatham Dockyard included in the Contract with him dated April 18, 1867, and for the execution by him of certain other works connected with such Dockyard, will be signed and laid upon the Table of the House; and, what has caused delay in the signing of the Contracts to carry out that which the Board approved on the 18th March 1869?

LORD JOHN HAY said, in reply, that the agreement to release Mr. Gabrielli from the completion of a portion of the works at Chatham Dockyard, included in the contract with him dated the 18th of April, 1867, and for the execution by him of certain other works, was made on the 4th of June, and the Solicitor to the Admiralty was engaged in embodying it in a formal contract which, when executed, as it would be in the course of a few days, would be laid on the Table of the House. The delay in the signing of the contracts to carry out that which the Board approved on the 18th of March, 1869, had arisen out of the lengthy correspondence upon matters of detail; and that correspondence also would be laid on the Table together with the contracts.

## IRELAND—AGRICULTURAL RETURNS.

### QUESTION.

MR. MONTAGUE GUEST said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is his intention to pay to the clerks of Unions in Ireland 2*d.* only for each agricultural holding contained in the Return sent from their Union; and, whether, if this is intended to cover all expenses connected with their preparation, the clerks of Unions would not be out of pocket by the furnishing such Return?

THE CHANCELLOR OF THE EXCHEQUER: The original estimate for these Returns was £3,000, and the sum which the Irish Government now requires is £5,500. I am unable to say whether that sum, divided by the number of holdings in Ireland, will give a quotient of 2*d.* If it does, that is what we intend to pay; and I have so good an opinion of the Irish Government, and of the manner in which they look after the interests of their *employés*, that I feel convinced those *employés* will not be losers.

## THE HOME AND COLONIAL OFFICES.

### QUESTION.

MR. DUDLEY FORTESCUE said, he wished to ask the First Commissioner of Works, Whether, as at this advanced season there was no indication of any works in progress, it was intended not to proceed during the present year with the erection of the new Home and Colonial Offices?

MR. HORSMAN said, he wished to know what progress has been made towards acquiring the block of buildings in King Street, Parliament Street, which were to be removed in order to improve the approaches to the Houses of Parliament?

MR. AYRTON said, in reply, the building of these offices would be proceeded with as soon as the Government had given the requisite sanction. The matter did not rest with him; the plans and estimates were under the consideration of the Government, and he expected their decision in a few days. The purchases of property had not yet been completed. Several of the houses required were specially let for short terms, and there was no intention of pulling them down until their demolition was rendered necessary by the progress of the new new buildings. It was an error to suppose that they were to be pulled down for the improvement of Parliament Street—a matter with which the House would not have concerned itself, and the cost of which would have had to be borne by local funds. The houses had been purchased solely on account of the new offices, and the destruction of them would depend upon the progress of the new buildings. The Act passed authorized the purchase of one side of Parliament Street only, and did not authorize the Government to interfere with the other side.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[BILL 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 28th June.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 9 (Notice by Education Department of deficiency of public school accommodation).

MR. CORRANCE said, he rose to move the Amendment of which he had given Notice. The question had been to a certain degree forestalled by the discussion on Tuesday; they might be said indeed to have stopped in the middle of it. In that discussion the hon. and learned Gentleman the Member for Oxford (Mr. Vernon Harcourt) interposed to protect the right hon. Gentleman who had charge of the Bill from the present Motion—a protection of which the right hon. Gentleman refused to avail himself. Why was the hon. and learned Gentleman so anxious to interpose. Perhaps he had some ulterior object—perhaps he thought that such a safeguard as he (Mr. Corrance) proposed would be dangerous to the development of his plan. He thought the hon. and learned Gentleman's design would be shown in the course of the debate. In the previous discussion, he (Mr. Corrance) had ventured to remind the House that, in all their agreements or disagreements as to this or that system, the right hon. Gentleman (Mr. W. E. Forster) seemed to forget that what he proposed to do was with other people's money; and that unless they were very cautious they would find that in dealing with local funds, subject to local discretion, they were exceeding — not, perhaps, the powers of Parliament—but the powers confided to Parliament. No doubt Parliament had power to deal with Imperial taxation; but these were local taxes, raised for local wants, and guarded by local privileges. What, then, were the relations of the ratepayers with the ratepayers' Parliament in the present case? For he maintained that they were bound to look at the case through ratepayers' spectacles. How did the matter stand thus considered? Why, that the powers taken by the Department were enormous —not in one clause alone; not in an isolated instance; but, as he had shown, extending through the whole Bill, and governing and overriding all rights whatever of the ratepayers to decide such questions for themselves. In no less than 23 clauses were such powers confided over the ratepayers' purse, administration, and even appointment of officers. Such provisions as these made the Education Department practically the controlling power. The Inspectors were to report their own estimate of school deficiencies in quantity as well as quality in their own districts. Now, what did that mean? It meant that the Inspector was to fix his own standard of the intellectual requirements of his district. But Inspectors were frequently young men—their varieties were very great and their qualification for the task different—some were enthusiasts, and their fancies would tinge their Reports. Were they prepared to hand the ratepayers over bodily to such a class? Again, the Inspectors would be political appointments, and it was impossible not to see that their views would generally coincide with the views of the party that appointed them. But it might be said that the matter did not end with the Inspectors' Reports—that it depended on the Education Department. Now, if the administration of these affairs always rested in the hands of the right hon. Gentleman, in whose judgment and discretion he could gladly repose, then, indeed, they might dispense with some fears and anticipations; but who could guarantee them that? It was one of the main objections to personal and irresponsible government that it left them exposed to contingencies of that sort, and the chief reason they sought in constitutional forms protection against such unforeseen change in their administrative system as a change of rulers might produce. It was impossible for him to foresee what might take place in such respects, and a few years might see one of the Gentlemen now seated below the Gangway in the right hon. Gentleman's place. Assuming such a casuality to befall, what would take place? Of course, nothing but secular schools would satisfy the Department; and, no doubt, a school Board, as constituted under this Act, would be a convenient means of bringing this about. It would, at least, crush out the greatest enemies the secular system had; and it could not fairly be said that under such circumstances, the apprehensions he had expressed were out of place. Against this they wanted security in this Act, and what security was afforded them? The ratepayers, or the person aggrieved, might indeed protest, but to whom? To the Department itself. An inquiry was vouchsafed to them, but conducted by whom? In Clause 64, under sec. 1, they were told—namely, "The Educational Department shall." And the person so deputed shall report; the expenses of the inquiry should be paid as the Department should suggest and order, and before such an inquiry the Department might demand security, or refuse that the inquiry should take place. With this the machinery for coercion—he might say for tyranny—was complete. Now, what was claimed in this case? Not the right of taxing the Commons of England through their representatives in that House; to that there was a check: but, through the edict of a Department, to force a particular class of taxpayers to burden themselves for an object which they did not approve, and deprive them of the right even to bring such a question to the vote. In a former Bill brought in by the right hon. Gentleman that right was conceded, and due means provided for its exercise under constitutional forms—and even after that there was a more effectual appeal provided than was to be found in this Bill. Why was that thrown aside in this case? In the Scotch Bill of last year the same precautions were observed. Nor was this all; for, as we were told the other night, under a new clause brought up fresh exactions might be made upon the ratepayers' purse without even a notice. Another consideration strengthened his case. In this Bill, as it stood at the second reading, a sufficient time was given to the ratepayers to consider their position in that respect, and to the managers of existing schools to supply defects. That year of grace had been withdrawn, and the requisition might come upon the ratepayers suddenly, and without notice sufficient to enable them to take measures for defence. But did they suppose that the ratepayers, to whom they were willing to commit the management of their schools, were so stupid as to submit to be coerced and plundered without even constitutional form? Even were it possible, it was entirely against the interest of his measure that it should be so. In addressing the House the other day the right hon. Gentleman showed that he was aware of this. He said—

> "If the prevailing opinion among the communities who are to elect these Boards prognosticates animosity and contention as the result of a measure entitling them to discuss and settle many questions bearing on religion, and if then you still proceed to force such Boards, with such constitutions and such powers, upon these districts, we may be pretty sure that we are going the way to defeat the beneficial action of our own measure; because it will be felt that the action of this measure cannot be efficacious, nor, in a larger sense, widely beneficial, unless it also be pacific and satisfactory to the public sense and opinion of local communities."

Now, it was upon that principle that he asked the Committee to act. It was true the right hon. Gentleman told them that it was necessary that the Government should be armed with extensive power to carry the Bill out. But he (Mr. Corrance) must ask him this — Was there, then, really a strong feeling in the country in favour of this rating system? If not, then did that feeling require the immediate application of the means taken to coerce? Surely, the local feeling of the persons most concerned was the surest test. He would frankly state that he accepted this system under avowed reservation, and with increasing doubt, and his doubt and distrust did not lead him to the very logical conclusion of the hon. and learned Member (Mr. Serjeant Simon), that it must, therefore, be passed at once. On the contrary, he accepted it as he had always accepted it, as a measure supplementing an existing system; not superseding it, or taking its place. He entertained the gravest doubts upon this point, for he saw in the machinery of this Bill a means sufficiently effectual by which the existing system could be stamped out. He wished to make no secret of his feelings upon this. He believed that the utmost pressure would be brought to bear upon the Government to use the power so rashly and unadvisedly granted, and that such pressure would lead to abuse. Against that what guarantee had they got? The person who ruled the Department, or the Administration itself? But they knew too well the contingencies that might arise to trust themselves to the accident of an Administration or the frail tenure of a life. Least of all could they do so in this case. And what was the nature of the Amendment he proposed in this case? Was it excessive or unjust? It was not unjust, because it was founded upon an admitted principle of our system, that taxation should be at least accompanied by representation and effectual checks. It was not excessive, because it simply interposed time between the local body and the energetic action of the State, and to more they could not consent. They could not consent, as the representatives of ratepayers to whom they must give account. They could not consent, as a question of a larger policy, involving future consequences of a most serious class. And so considering, and believing that upon the just settlement of the question vast interests depended, he placed this Amendment before the Committee, with, if not the strong assurance that it would receive their sanction, at least the firm conviction that it deserved their support.

Amendment proposed, in line 20, after "Act," to insert—

> "And if the result of such public inquiry should fail to satisfy such aggrieved persons, and the person deputed by the Education Department shall in the execution of his duty report adversely in their case, it shall be lawful for such person or persons to demand a poll of all ratepayers liable to such a rate within such parish or district; and if upon scrutiny of such votes taken in the manner hereafter prescribed in this Act it shall be found that the number of such votes in favour of the requisition to form a school Board shall not exceed one-third of the total number of votes so recorded, no such requisition shall be issued within any time not exceeding twelve calendar months from the date of such proceedings."—(*Mr. Corrance.*)

MR. W. E. FORSTER said, he was sorry he could not accept the Amendment of the hon. Member. It ran against the principle of the Bill, which was a provision for education throughout the kingdom, compulsory if necessary. It was true the hon. Gentleman did not altogether prevent the application of that principle, yet he (Mr. W. E. Forster) could not see any advantage in enabling it to be postponed for a year. The result would be, either the real object of the Bill—a provision for education everywhere — would be defeated by the successful opposition of the ratepayers, or they would be encouraged to make an opposition which would give them hopes which would not be justified afterwards.

COLONEL BRISE said, he hoped the right hon. Gentleman (Mr. W. E. Forster) would give this matter further consideration. He could assure the right hon. Gentleman that there was a strong feeling entertained out-of-doors with respect to the arbitrary powers which the Bill proposed to confer upon the Education Department.

Amendment *negatived.*

Amendment proposed, in line 21, to leave out the words "is held," in order to insert the words "be applied for,"—(*Mr. Cawley,*)—instead thereof.

Mr. W. E. FORSTER said, that the Amendment would give power to any person to stop the process under the Bill by simply applying for inquiry; however frivolous the application might be, they would be obliged to stay proceedings.

Lord ROBERT MONTAGU said, he would suggest that the object of the Amendment might be attained by the substitution of the word "directed" for "held."

Amendment, by leave, *withdrawn.*

Amendment made, in line 23, before "publish," insert—

"If they think that the amount of public school accommodation for the district is insufficient."—(*Mr. W. E. Forster.*)

Mr. CAWLEY said, that the principle of the measure, as stated by the Government, was to supplement, not supplant, voluntary schools; but he feared the operation of the Act would tend to discourage those who might wish to put up new voluntary schools. In order that it should be distinctly understood it was the intention of the Legislature that voluntary schools should be established in the future as in the past, he proposed to move two Amendments. The hon. Member concluded by moving the first of the Amendments, in line 26, to leave out "that," and insert "also the locality of such district within which."

Mr. W. E. FORSTER said, he thought the matter should be left to the discretion of the Privy Council.

Mr. KAY-SHUTTLEWORTH said, he would suggest that the Committee should now discuss only the first Amendment of the hon. Gentleman. He intended to propose an alternative Amendment in lieu of the second.

Mr. DIXON said, he thought it would be more convenient to have the discussion on the second Amendment.

*Colonel Brise*

Mr. BOUVERIE said, it appeared to him that the second Amendment was of far greater importance than the first. The hon. Member for Salford (Mr. Cawley) might be placed at a disadvantage if he proceeded to a Division on the first, as it might be regarded as an indication of the opinion of the Committee as to the second. The hon. Gentleman had better put his best leg forward and take the sense of the Committee as to the second Amendment, as, if successful, he could bring up the first on the Report.

Mr. GATHORNE HARDY concurred in this suggestion.

Mr. CAWLEY intimated his readiness to adopt the course which had been proposed.

Amendment, by leave, *withdrawn.*

Mr. CAWLEY then moved his second Amendment, in line 26, to leave out "to," and insert "required, and that if within six months from the date of such notice it." Six months' notice seemed to him fair and reasonable, although he could not but regret that the year of grace, as originally proposed, had been since given up.

Mr. KAY-SHUTTLEWORTH said, the effect of the Amendment was to establish a rigid period of six months' grace, and he was certainly glad his hon. Friend (Mr. Cawley) had abandoned the original period of 12 months. In great cities, voluntary agency was unable to supply the great educational deficiencies which at present existed. From the Reports of Messrs. Fitch and Fearon, it appeared that only about one-fourth of the children between five and 13 years of age were being properly instructed, as voluntary agency entirely failed to reach the remaining three-fourths. Therefore, it was not desirable to apply periods of grace to large towns like Liverpool, Manchester, and Birmingham. On the other hand, there were districts in which periods of grace were necessary. Suppose the school managers anticipated with confidence that the result of the Return made to the Education Department under Clauses 8 and 9 of the Bill would be a declaration that the school accommodation in those districts was efficient, sufficient, and suitable; if it turned out that the accommodation was insufficient in some small particular, it would be unfair not to allow a period of grace to the managers. He did not exactly understand the meaning of the word "forthwith" which had been introduced into the Bill; but he imagined the intention of the Government was that a certain elastic period of grace less than 12 months was to be allowed. To make this point quite clear he should propose in substitution of the Amendment now under consideration that the period of grace should be stated in a notice to be issued by the Education Department. His Amendment would be, in line 27, to leave out "forthwith," and insert "within a period therein stated which shall not exceed six months after the date of such final notice."

Mr. LIDDELL said, he hoped the Government would, at least, allow a minimum of six months, and he regretted that the original period of a year had not been retained.

Mr. MELLY said, that if this were a penal statute he should agree with his hon. Friend (Mr. Kay-Shuttleworth). No doubt there was a great deal to be done which could not be done "forthwith;" but the result of passing the Amendment of the hon. Member for Salford would be to allow everybody six months of inertia and apathy.

Mr. HIBBERT asked, whether the right hon. Gentleman the Vice President of the Council would have any objection, when the Committee came to Clause 10, to replace the word "may" by "shall?"

Mr. W. E. FORSTER said, he had no objection to do so, because the intention was that the Department should interfere where the want had not been supplied within the time referred to. As to the word "forthwith," he would say that if a district were found altogether declining to make any provision for the education of its children until compelled to do it, there was no good reason why there should be in a case like that a delay of a year or even of six months. On the other hand, the Privy Council might have good grounds for believing that another district had every intention of doing all that was necessary to make the required provision, and it might be desirable that it should be allowed a month or two for the purpose. He would therefore suggest the substitution, instead of "forthwith," of the words "within such reasonable time as may be limited by such notice."

Mr. W. H. SMITH said, he would point out that the present supply of teachers was barely equal to the demand, and that a good teacher could not be turned out under two years. He thought a large discretion ought, under the circumstances, to be vested in the Educational Department.

Mr. VERNON HARCOURT said, he could not understand the anxiety which was expressed by hon. Gentlemen opposite for a "year of grace." What did that phrase mean? It meant that the education of the country was to be delayed for 6 or 12 months or more, in order that the system which particularly suited those hon. Gentlemen might be carried out. A greater misnomer than to call it "a year of grace" he could not conceive; it ought rather to be called a year of disgrace. ["Oh, oh!] Yes, it was a disgrace to ask for a concession which would have the effect of producing 12 months more of ignorance throughout the country, while those who asked for it accused him and those who sat beside him of wishing for delay. He, for one, was quite satisfied to let the question as between them be decided by the public. What he desired was that the requisite educational provision should be made "forthwith," while hon. Gentlemen opposite wished to put it off for six months. His right hon. Friend the Vice President of the Council suggested that the words, "a reasonable time," should be substituted for "forthwith;" but the alteration was, he thought, open to the objection that it would lead to disputes as to what was a reasonable time, and give rise to a degree of agitation and uncertainty which the use of the word "forthwith," or even of the words "six months," would obviate.

Mr. W. E. FORSTER said, he did not believe there was any wish for delay in the matter of education on either side of the House. On both sides he was sure the desire was so to frame the clause that the wanting school accommodation could be supplied within the shortest possible period. Believing the concluding sentences of his hon. and learned Friend (Mr. Vernon Harcourt) involved a practical suggestion, he should propose to substitute for the words "reasonable time," "within such time, not exceeding six months, as may be limited by such notice."

Sir RAINALD KNIGHTLEY said, he hoped the Amendment of his hon. Friend behind him (Mr. Cawley), as well as that of his hon. Friend opposite (Mr. Kay-Shuttleworth), would be withdrawn, in order that the Committee might proceed with the Bill as speedily as possible.

Mr. Cawley and Mr. Kay-Shuttleworth having signified their readiness to withdraw their Amendments,

Amendments, by leave, *withdrawn.*

Amendment altered, as suggested by Mr. W. E. Forster, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 10 (Formation of school Board and requisition to provide school).

Mr. HIBBERT said, he would propose the omission of the words "at any time" in the sentence giving power to the Education Department to cause a school Board to be formed after final notice.

Mr. GATHORNE HARDY said, that all who had been engaged in the work of school building knew that there were such things as strikes. He would suggest that the sentence providing that if the Education Department were satisfied that all the public school accommodation required had not been supplied, the words "nor is in course of being supplied with due despatch" should be inserted.

Mr. BOUVERIE said, the Education Department ought not to issue a final declaration that a school Board should be formed if there was a building in course of erection. If, however, those who voluntarily undertook to provide a school were not proceeding with due expedition the order should be issued.

Mr. W. E. FORSTER said, it would be well to accept both the suggestions that had been offered, because the Education Department should not be liable to appeals *ad misericordiam.* It should be clearly understood that in a certain time the work must be done.

Mr. CANDLISH said, the discussion was proceeding on the assumption that the House of Commons was desirous of multiplying denominational schools. It was inconvenient that such an important question should be raised incidentally in this manner. He would bring it forward in a specific form on a later clause.

Amendments *agreed to.*

Words *struck out.*

*Mr. W. E. Forster*

Amendment proposed, in line 31, after "supplied" to insert "nor is in course of being supplied with due despatch."—(*Mr. Gathorne Hardy.*)

Mr. VERNON HARCOURT said, he objected to the Amendment, the effect of which would probably be to add three months to the six months. "Due despatch" might mean anything or nothing, and a maximum time ought to be fixed.

Mr. WALTER said, he did not know whether his hon. and learned Friend (Mr. Vernon Harcourt) had ever had any experience of school building; but he (Mr. Walter) never heard of a school being built in six months, and he did not believe it possible that a building could be erected and put into a suitable condition for occupation by children in less than a year. He appealed to his hon. and learned Friend, as a man of common sense, whether, if persons began at once to build, and had got halfway through their work, they were to have the Privy Council Office brought down on them, and a local Board established for the purpose of upsetting all that had been done. Credit should be given to those who intended to build for good faith and honesty of purpose in what they proposed to do. He was as anxious as anyone that schools should be built as speedily as possible; but all the Committee had a right to do was to take care that immediate steps should be taken for providing school accomodation. If the supporters of the voluntary schools would do it we had no right to prevent them: if they did not give a guarantee that it would be done, then let a local Board be formed for the purpose of carrying out the Act.

Mr. W. E. FORSTER said, the reason why he accepted the right hon. Gentleman's Amendment was that he could not accept the change from "may" to "shall" without it. He was not thinking of either the voluntary system or of the rate system; he was simply thinking of getting the provision made as quickly as possible. Surely, if persons, on receiving six months' notice, set about making it, and if circumstances prevented their completing it, it would be defeating the object in view and delaying the education of the children if the Department were to order the immediate formation of a school Board. It would stop the supply of education which was in process of being provided.

Amendment *agreed to.*

Then, on the Motion of Mr. HIBBERT, the word "shall" substituted for "may."

MR. W. E. FORSTER, to give effect to what he said on the first night of the Committee, with respect to giving ratepayers power to say that a school Board should be formed, would move an Amendment to that effect.

Amendment proposed,

At the end of the Clause, to add the words "in the following cases: (that is to say,)

1. Where application is made to the Education Department with respect to any school district by the body of persons which, if there were a school Board in that district, would elect the school Board; and
2. Where the Education Department are satisfied that the managers of any elementary school in any school district are unable or unwilling any longer to maintain such school, and that, if the school is discontinued, the amount of public school accommodation for such district will be insufficient:

The Education Department may, if they think fit, without making the inquiry or publishing the notices required by this Act, before the formation of a school Board but after such inquiry, public or other, and such notice as the Education Department think sufficient, cause a school Board to be formed for such district, and send a requisition to such school Board in the same manner in all respects as if they had published a final notice:

An application for the purposes of this section may be made by a resolution passed at a meeting of the said elective body summoned for the purpose, and the provisions of the second part of the Second Schedule to this Act with respect to such meeting, and the proceedings thereat, shall be observed."—(*Mr. William Edward Forster.*)

Question proposed, "That those words be there added."

MR. B. SAMUELSON said, he rose to move, as an Amendment to the first subsection of the proposed Amendment, that the application should be made by "not less than twenty inhabitant householders within such district." He was obliged to the right hon. Gentleman (Mr. W. E. Forster) for his Amendment, which would remove a blot upon the Bill; but, still, there were many cases which the Amendment would not meet of places in which it was extremely desirable that school Boards should be formed. There were several districts in which there was sufficient school accommodation, and in which the children did not attend; in these it was hardly to be supposed that a sufficient number of ratepayers would take the initiative in asking for a Board to be formed, and yet it was extremely desirable that a Board should be formed. Our experience in regard to sanitary matters had shown that, while in many cases there was the greatest difficulty in setting a locality in motion, yet when a local Board was formed those composing it did their duty manfully; and in the case of school Boards something of this kind would happen in many instances. He did not think anything should be excluded from the Bill which would enable the Committee, if they thought fit, to insist on the resort to compulsion; and, without this Amendment, it might be objected at a future stage that there were districts in which school Boards could not be formed through any machinery provided by the Bill. He trusted the Committee would consent to provide the machinery by which a sufficient number of persons might demand the formation of a Board, and he therefore moved his Amendment.

Amendment proposed to the said proposed Amendment, by leaving out from the word "by," in line 3, to the second word "Board," inclusive, in line 4, in order to insert the words "not less than twenty inhabitant householders within such district."—(*Mr. Samuelson.*)

MR. W. E. FORSTER said, he was sorry he could not accept the Amendment, which entirely departed from the principle of leaving the formation of a school Board to the action of a majority of the ratepayers where there was no educational deficiency. His hon. Friend (Mr. B. Samuelson) would give a minority the power of forming one, and the Government were not prepared to go so far. They said there must be a school Board wherever there was a deficiency, and they were prepared to say that where a majority liked to form one, irrespective of deficiency, they might do so; but they could not say that a minority might do this; and the Department could not take the responsibility of having to decide whether there should be a Board or not in every place in which a minority wished for one and the majority did not

MR. C. S. READ said, he thought there would be great danger in giving a bare majority of the ratepayers power to ask for a school Board. In most country parishes a majority of the ratepayers, who did not pay one-fourth or one-tenth of the total amount of the rates, might, and in some instances would, combine to obtain a rate-aided school, in order to spite the parson, although there might be a good elementary school in the district.

Mr. MUNDELLA said, he regretted very much that they had not school Boards universally. In case of deficiency of supply there was to be a school Board; but supposing that in certain districts there was a deficiency of demand, and that only one-half of the children attended the school, would it not be necessary in such a case to have a school Board to compel attendance?

Lord JOHN MANNERS said, he conceived that the Committee could not put it in the power of 20 of the ratepayers to override the decision of the majority.

Mr. CAWLEY said, he objected to giving power to the majority of the Town Council to make an application to the Education Department for a school Board without obtaining the consent of the ratepayers at large.

Sir CHARLES ADDERLEY said, the right hon. Gentleman's (Mr. W. E. Forster's) Amendment would empower the Education Department to call into existence school Boards in places where, so far from there being a deficiency of school accommodation, the existing system had covered the whole ground, and these school Boards might establish another set of schools where education was already perfect.

Mr. MELLY said, he thought that the noble Lord (Lord John Manners) had misapprehended the observations of the hon. Member for Sheffield (Mr. Mundella), whose wish was to introduce the principle of compulsion. The hon. Member for South Norfolk (Mr. C. S. Read) spoke of this question as one of rating; but that was entirely a secondary point. These persons were to be looked on not merely as ratepayers, but as the parents of children who had to be educated.

Mr. W. E. FORSTER said, he had no intention of suggesting that a district should be forced to rate itself for a school when it was already sufficiently supplied; but the question was raised on Monday evening by the hon. Member for Berkshire (Mr. Walter) whether it was not desirable to have the country divided into districts, with school Boards not for the purpose of making schools where they were not wanted, but for two or three other purposes. The first of those purposes—and it appeared to be the most important in the opinion of the hon. Member, and of other hon. Members—was that there should be some authority able to receive voluntary schools desirous of transferring themselves from the existing to the new system. Another purpose was, that there might be in existence a body with power to pay the school fees for poor children, and a third purpose was to create Boards to initiate by-laws for compulsion. The Government could not consent to compelling the establishment of school Boards throughout the country; but they agreed to allow the majority of a district, acting through its representative body, to apply for a school Board, even when it was not wanted on account of educational deficiency. The Government were not prepared to go further and accept the principle of allowing the minority to decide against the majority, or of giving to the Education Department the discretion to decide between the majority and the minority.

Mr. WALTER said, he thought the Amendment of his right hon. Friend (Mr. W. E. Forster) would carry out the object he had in view; but if the hon. Member for Banbury (Mr. B. Samuelson) pressed his Amendment to a Division, he should feel bound in consistency to support it.

Mr. BUXTON said, he would oppose the Amendment of the right hon. Gentleman, as contrary to the principle of the Bill, and likely to put a weapon into the hands of those who wished to destroy existing schools by rating districts for new schools although sufficient school accommodation existed.

Mr. ASSHETON CROSS said, he wished to know whether the school Board, when called into action by this clause, would have the same power to impose a rate as any other school Board; if not, how would its powers be defined?

Mr. W. E. FORSTER replied, that the school Board under this section would no doubt have the power to levy a rate; but he did not think the love of rates was so strong in the minds of the people that they would insist on a rate being levied for providing a school where such school was not wanted. If there should be such a Board with that extraordinary lust for expenditure—and it was objected to—the Privy Council would have the right to refuse the application.

Mr. ASSHETON CROSS said, he thought that many parishes would not elect such a school Board, because they would be afraid that they might impose a rate.

Mr. DENT said, he considered the explanation of his right hon. Friend (Mr. W. E. Forster) perfectly satisfactory. If they had school Boards they must be invested with full powers, and it would be impossible to compel parents to send their children to school if they had to pay for it.

Lord ROBERT MONTAGU said, from Clause 19, he thought the school Board under this section would not have power to levy a rate.

Mr. Serjeant SIMON said, that by the first part of the section school Boards might be called into existence with rating powers, where there was no school accommodation.

Mr. CAWLEY said, that his Amendment in Clauses 13 and 18 would give due protection to the ratepayer against the building of schools which were not required.

Sir CHARLES W. DILKE said, he would suggest that, in the Amendment to the right hon. Gentleman's Amendment, for "twenty" "one-fourth" should be substituted.

Mr. W. E. FORSTER said, he must admit, on reference to Clause 19, that the noble Lord the Member for Huntingdon (Lord Robert Montagu) was right.

Mr. HIBBERT doubted very much whether the Amendment would attain its object.

Mr. B. SAMUELSON said, he was prepared to adopt "one-fourth," instead of "twenty." Nothing could be more inconsistent than that provision should be made for schools while no provision was made for compulsory attendance. He was most anxious for the passing of this Bill; but, at the same time, machinery should be adopted for the establishment of school Boards throughout the country.

Colonel BRISE said, he wished to know if a school Board was formed in order to put the compulsory clause of the Bill into operation with reference to existing schools, whether the managers were to give up the teaching the catechism, creeds, &c.?

Mr. W. E. FORSTER said, that if a school Board was formed solely for the purpose of initiating compulsion, and not for the purpose of providing new schools, no new school would be provided by the school Board; and it was only to schools provided by the school Board that the 14th clause applied.

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The Committee *divided*:—Ayes 249; Noes 63: Majority 186.

Mr. MAGNIAC said, he would suggest that in the 2nd paragraph it would be well to substitute the word "informed" for "satisfied," so as to make it more general, for the reason, that at present no information had been afforded to the Committee as to what would "satisfy" the Department in regard to the inability or unwillingness of managers any longer to maintain schools in their districts.

Mr. W. E. FORSTER said, he did not think mere information would justify the Education Department in taking action. The Department would have to be "satisfied" not only of the inability or unwillingness of the managers to continue the school, but also that the discontinuance of the school would cause a deficiency in the education of the district. He could not, therefore, adopt the suggestion of the hon. Member.

Mr. GATHORNE HARDY said, he thought it would be well to adopt a suggestion made the other day by the hon. Member for Berkshire (Mr. Walter), and leave the Department to take action when satisfied "by the managers," instead of when satisfied "that the managers," &c.

Mr. WALTER said, the circumstance which led to the necessity of this Amendment was raised by the 22nd clause, which distinctly provided for the transference of voluntary schools to local Boards; and, unless local Boards were called into existence by some such proposition as that of the Vice President of the Council, the Department could not take action until for 12 months the children in parishes had been left without education.

Mr. DIXON said, he would propose, as an Amendment to the proposed Amendment, in the 3rd paragraph, to leave out the word "may," and insert the word "shall," so as to render it compulsory upon the Department to cause the formation of school Boards in cases where they have received such application from the district, and where they are satisfied that all the public school accommodation required by the final notice to be supplied has not been supplied. He moved this in order that the desire of a district might not be frustrated by the disinclination to act of any Educational Department in the future.

Mr. W. E. FORSTER could not accept the Amendment, because he thought it very important the Department should be invested with a certain amount of discretionary power, and the whole clause was based on that supposition.

Amendment *negatived.*

Mr. C. S. READ said, before the right hon. Gentleman's Amendment was finally agreed to, he wished again to say he did not think the right hon. Gentleman could be aware of the extraordinary powers which the Amendment placed in the hands of a bare majority of the ratepayers. It was quite possible in the rural districts for men who did not pay 6*d.* out of every pound of rating to inflict upon the other and substantial ratepayers the necessity for a rate-aided school, even where a good school now existed. And he saw no provision whatever admitting of an appeal from this decision of a bare majority.

Mr. W. E. FORSTER said, the necessity for a rate-aided school would not immediately follow, for the Education Department was to exercise its discretion in the matter. But his hon. Friend (Mr. C. S. Read) was hardly exhibiting his usual clearness of view if he imagined that a majority of ratepayers, who were only worth 6*d.* in the pound, would be able, in agricultural districts, to force a resolution on the influential minority.

Mr. C. S. READ said, they would have the power to do so.

Dr. BREWER said, he hoped that the Government would adhere to their proposal. It would be a grievous thing if school arrangements, however excellent, but yet which were distasteful to a majority of the ratepayers, were forced upon them.

Mr. FAWCETT said, he wished before the Amendment passed to protest against the vicious principle it involved. He had been of opinion that permissive compulsion was bad enough; but permissive school Boards he regarded as infinitely worse. This was exactly one of those timid, feeble compromises which rendered it more difficult to carry out ultimate reforms, and one of these concessions which conceded nothing but what was bad. The Government assumed that the great advantages which they were to confer on the country by this Bill could not be carried out without the establishment of school Boards; and yet, by a curious kind of weakness and semi-paralysis, they decided nothing on this point, but handed over the matter to the conflicting caprice of the local authorities. The experience of the last 30 years showed that permissive legislation of this kind never led to useful results. It would be far better for the Government to say, if they really thought so, that the country was not yet prepared for the general establishment of school Boards, and to wait for two or three years to see what good was done by the experience gained in that time.

Sir HENRY SELWIN-IBBETSON said, he looked upon the Amendment of the Government to this clause with considerable suspicion. It would enable a bare majority of the ratepayers at any moment, if animated by petty spite against the clergyman of the parish, or of the persons who had up to that time supported the school, to invoke the interference of the Privy Council, and to change the whole system of education in the particular district. His experience of what occasionally happened in agricultural districts led him to believe that a bare majority of ratepayers might very inadequately represent the feeling and property of the district.

Colonel BARTTELOT said, he also regarded this as one of the worst Amendments yet proposed. If any chance existed of sectarian disputes being aroused, this was the clause effectually to accomplish that object. He did not, indeed, assert that, in the majority of cases, schools which were now working well were likely to be upset by the vote of a majority, whether of Churchmen or Dissenters; but he knew several cases where such an occurrence would be possible, and, indeed, probable, under the provisions of this clause. The object of the House of Commons, in such a Bill as the present, should be to smooth away difficulties as far as possible, not to place in the hands of a minority of property opportunities for destroying the good which for many years had been done by the owners of property.

MR. PEASE said, he took an entirely different position from the hon. and gallant Gentleman who had last spoken. His constituency (South Durham) embraced almost every variety of town and country parish; and hence he was exceedingly anxious that nothing should be done to make these educational Boards at present compulsorily universal, for many of the country parishes were well supplied already as to their educational needs. But in the large towns, where there was sufficient school accommodation but not attendance, compulsory powers of education were imperatively required, and unless there were school Boards those compulsory powers could not be put in operation. In the majority of country parishes, as long as a good school existed, and the necessary funds for education were forthcoming, the ratepayers would not be very anxious to upset the arrangements and take the burden on themselves; but in large towns, where men were earning good wages—from 26*s.* to 30*s.* a week—and all the time were allowing their families to run ragged about the streets, it was time for the House to step in and lay down rules which, if they increased the rates at first, would ultimately, it was to be hoped, diminish poor rates, and pauperism, and gaol expenditure, from the combined effects of which the country, at present, was suffering so heavily. Even if the little men did swamp the big men for a time, in the long run the big men would reap the benefit. In a town in his county, where the lower classes were mostly earning large wages, only 1,800 children attended school, though there was accommodation for 2,600.

MR. BERESFORD HOPE said, the proposal could not be so guarded as to prevent parochial agitation. The schoolmaster in a parish might be a very pleasant man, who made himself free and easy and sang a comic song, and the managers of his school, thinking his teaching was doing no good, might dismiss him. He would at once get up a cabal, and call a meeting of the ratepayers in order to memorialize the Education Department in favour of a school Board; no doubt the result would be that when the Education Inspector went down he would snub the memorialists; but, in the meantime, the parish would have had a twelvemonth's discontent and quarrelling. In honest hands the clause might be an engine of improvement; but in the hands of jobbers, pettifoggers, and parochial factions, it might be the cause of much mischief.

MR. WHALLEY said, he objected to the clause, because it was likely to be inoperative, as other legislation on country matters had been. The Bill was a thoroughly bad one from beginning to end, and its framers either did not know their own minds, or, if they did, endeavoured to trim and to box the compass in order to conciliate, while if they had principles they dared not avow them. It was said that the time would come when the number of paupers would be less and crime diminished; but he asked hon. Members to state what was the result of their 30 years' experience and the expenditure of several millions of money. The answer to his inquiries was that no benefit had been derived from the education that had been given at such cost and with such pretence. He disapproved the scheme of this Bill, which would, by planting parish schools, prevent parents from employing the teachers for whom they had a preference.

SIR JOHN PAKINGTON said, the apprehensions of the hon. Members for West Essex (Sir Henry Selwin-Ibbetson) and West Sussex (Colonel Barttelot) were not without some foundation, for it was quite possible that ill-feeling might arise between the parishioners on the one side and the squire or the clergyman on the other, which might lead to some practical difficulty under this clause. Two arguments might be used in answer; there was, first, the disinclination of parishioners to increased rates; and, secondly, the effect of any applications would be to give to the Education Department authority to say whether the prayer of the memorialists should be conceded. He had not yet heard any sufficient explanation as to the reason for the change, nor what it was expected to produce.

MR. W. E. FORSTER was obliged to the right hon. Baronet (Sir John Pakington) for bringing the Committee back to a practical matter. Hon. Members who had taken part in the discussion looked rather to rural districts, and forgot that the Bill would also affect towns. One object of the Amendment was to save time, for he anticipated that in many cases towns would wish that school Boards should be formed at once, and in such case he would permit them to come within the operation of the Bill. Again, many clergymen had written to him, saying—"We have been undergoing a labour which we cannot perform any longer; out of a scanty purse we have supplied education to the neighbourhood, while those around us did not do their duty—you provide that we shall be relieved, but in order to get that relief we must create destitution, and that we do not want to do;" and in such cases he would prevent the school being stopped. He could only tell the hon. Member for Peterborough (Mr. Whalley) that he never knew his own mind more completely than at this time, his single object being to provide education for every child in the kingdom, and to do that he would use existing agencies, but where there was none he would have recourse to compulsion. That principle they must apply sooner or later; but he thought it would not be safe to use it at present in every district throughout the country, this being one of the cases in which it was desirable to allow persons to try an experiment, in the belief that the experience gained would lead to such an expression of public opinion that the plan could be extended throughout the country. These were some of the reasons, in addition to that which had been given by the hon. Member for Berkshire (Mr. Walter), which had induced him to propose this Amendment, and he was glad that this opportunity had been afforded him for clearly stating his views upon the point.

Mr. BARROW said, he objected strongly to the principle of compulsion being introduced into the measure.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 11 (Provision of schools by school Board).

Mr. W. E. FORSTER said, he would propose to omit this clause. After the acceptance of the Amendment proposed by the hon. Member for Oldham (Mr. Hibbert), it was unnecessary.

Clause *struck out.*

*Mr. W. E. Forster*

Clauses 12 and 13 amended, and *agreed to.*

Clause 14 (Management of school by school Board).

Sir STAFFORD NORTHCOTE, in rising to move the Amendment which stood upon the Paper in his name, said, that the effect of it, if adopted, would be to strike out the 2nd sub-section of the clause and to restore the Bill, as far as related to legislative interference with religious teaching in rate-provided schools, to the state in which it was when it was first introduced by the right hon. Gentleman opposite (Mr. W. E. Forster). Since the measure had been introduced a very important change had been effected in this part of the Bill. He was aware, of course, that in a measure of this kind hon. Members must be prepared for changes being effected in it as the discussion upon it proceeded, and when the necessity for them was shown; but he contended that in this case no necessity whatever had been shown for the large and important alteration that had been made by the Government. The principle laid down by the right hon. Gentleman on introducing the Bill was one of considerable importance. He had then referred to some resolutions that had been passed at a meeting presided over by the Bishop of Ely, adopting the principle of the Conscience Clause on the part of many who had previously objected to it, with the understanding that there should be perfect freedom of religious teaching on the one hand, and perfect freedom of withdrawal on the other; and that, the right hon. Gentleman had then said, was the principle of this measure. He need not remind hon. Members that the Conscience Clause had long been a difficulty to himself and to other Churchmen. They had not objected to the imposition of a Conscience Clause; but their feeling was, that a Conscience Clause having been imposed the State should not interfere to prescribe how much or how little religion should be taught in a school when those children on whose part objection was taken had withdrawn. When the Government came and announced that their proposal for a settlement of the question was, that there should be perfect freedom of religious teaching on the one hand, with perfect freedom of withdrawal on the other, that was accepted by the Church party as a fair settlement. But suddenly, and at a very late stage of the proceedings, a very great change had taken place. The Government, while adhering to one-half of their original proposition—namely, that there should be perfect liberty of withdrawal — departed from the other half by introducing in the case of rate-supported schools an absolute prohibition of anything in the way of denominational education. In principle, though not in words, the prohibition went to that extent. That was an enormous change. The Prime Minister himself had admitted it to be so, because a few nights ago he said the Government were calling on the Church party to make a great sacrifice, in asking them to give up the power of teaching the Catechism even where the majority of the ratepayers would be in favour of having it taught. Even when those children who objected had withdrawn there was a prohibition against the teaching of any formularies to those who remained and did not object. This was undoubtedly a very strong demand to make, though it did not follow that it was not one that ought to be conceded. If any real necessity for such a demand were shown to exist, of course those who were staggered by it were bound to consider what that demand amounted to. But was there any real necessity for it? He did not introduce this as a party question, or with a wish to thwart the Bill. He merely wished to put it forward as a matter of argument. If there was any necessity, what was it? They were told it was demanded by the rights of conscience. Whose conscience? Was it the conscience of the children? He thought he might assume it was not. Had not the hon. and learned Member for Stroud (Mr. Winterbotham), in his able speech on the second reading, admitted that a well-drawn Conscience Clause would be sufficient to protect the children? True, the hon. and learned Member was not satisfied with the Conscience Clause then. [Mr. WINTERBOTHAM: Nor am I now.] Well, if the Conscience Clause, as it now stood, was defective, perhaps the hon. and learned Gentleman would show in what respect it was so. It was as stringent as the Committee thought they could make it; but if it were not sufficiently stringent the hon. and learned Member for Stroud, or any other hon. Gentleman who thought with him, could bring forward a proposal for making it still more stringent. The testimony of the Government and of the Committee was that the Conscience Clause, as now framed, did adequately protect the consciences of the children; but if it did not, how did the Government and the Committee justify themselves in leaving the children in the voluntary schools with no other protection than that Conscience Clause? If they were left depending on that clause the children in the rate-supported schools would not be in a worse position than the children in the voluntary schools. To ask that the former should have additional protection over and above that provided for the children in the latter appeared to him out of the question. This reminded him of what was said by Charles Lamb of Achilles—that he had not only an invulnerable skin but invulnerable armour placed upon it. If the Conscience Clause was a sufficient protection in the voluntary schools, let not the Government say there ought to be a further protection in the rate-supported schools by the prohibition of the teaching of formularies. It was said, however, that it was not for the sake of the children, but for that of the ratepayers, that this additional protection was required. It was asked—"Why should any ratepayer be obliged to contribute towards religious teaching which he did not approve?" His reply was—"If it is so necessary to protect the conscience of the ratepayer, why should there not be equal consideration for the conscience of the taxpayer?" ["Hear, hear!"] He understood the cheers of hon. Gentlemen opposite, who held that there should be no religious teaching in any school to which either the ratepayers or the taxpayers contributed. He recognized the logical position of those Gentlemen so far as to admit that their conclusion followed from their premises; but he might dissent from their premises. He was not, however, arguing with them, but with those who supported the proposition in the Bill, and conceded to the ratepayers a right which they did not concede to the taxpayers. He confessed that he could not see any good ground for the distinction. The position of the ratepayers, if treated by the Bill in the same manner as the taxpayers with respect to the Conscience Clause, would be even more favourable. They would be affected in a smaller area and, besides, they would be able to give effect to their views in the appointment of managers and, consequently, in the management of the schools. He would leave to the managing bodies the decision whether or not formularies were to be taught in their schools. The different Conscience Clauses proposed from time to time had been under discussion for 10 or 15 years; but he did not think that this question of the prohibition of formularies in schools in which there was to be a Conscience Clause had ever been discussed by the country at large. He said, in the first place, that the consciences of the ratepayers did not deserve to be respected more than those of the taxpayers; and, next, if they claimed the same right for the taxpayers as for the ratepayers, he asked whether it was really meant that nobody ought to pay rates or taxes for the support of anything which in his conscience he disapproved? Because, if they meant to say that, they would have to carry their principle very far. He took it that the taxes paid by the hon. Member for Peterborough (Mr. Whalley) were applied to many purposes which that hon. Gentleman conscientiously disapproved; and he suspected also that the advocates of the prohibition of the liquor traffic would be sorely put to it if asked whether in their consciences they approved all the purposes to which the taxes towards which they contributed were devoted. Again, it was said they desired to respect the consciences of those who objected to the teaching of religious formularies; but were they paying equal respect to the consciences of those who desired the teaching of those formularies? He feared they were leaving the consciences of those people out of view altogether. The provision they sought to enforce might operate cruelly on people whose consciences were as much entitled to be respected as those of the persons they were considering. The right hon. Gentleman opposite had told them he had received many communications from the clergy in the country saying that they found the burden of supporting their schools too great, and that they desired to transfer those schools to the rates; and, for himself, he had no doubt that in many cases that was so. And what would be the consequence? Why, that in those schools, however much the ratepayers might be of one mind—however much they might wish the religious instruction still to be carried on as it hitherto had been, they would be prohibited from the use of those catechisms and formularies in which their children had been for years instructed. And what was the ground on which that prohibition rested? Because it hurt the imaginary conscience of some one else that some of the money which he paid went for the support of religious teaching that he did not approve. The ground was not that the teaching was forced on some of the objector's co-religionists—that one might understand—but that it was offered to some other persons who desired to have it, and his complaint was that his money was taken for the purpose of giving their children that teaching. His complaint was that his money being taken by the State for the general promotion of education—for that was the main object—it so happened that collaterally a portion of it went for education in a way that many other people desired; and for that reason, forsooth, such religious instruction was not to be given! He put it to the Vice President of the Council himself whether, in his conscience, he thought that was dealing out equal measure to those who wished for instruction in religious formularies and to those who did not? Because, it let be remembered those who did not wish for such instruction would have it always in their power to withdraw their children from it, while those who did wish for it would be put in a position of considerable disadvantage. The right hon. Gentleman, in introducing the Bill, no doubt expressed his own deliberate conviction when he enunciated the principle which they on that side all heard with pleasure, but which had since been rudely departed from — namely, the principle that there should be perfect freedom of religious teaching on the one hand, counterbalanced by perfect freedom of withdrawal on the other. But it had been urged that it was desirable to pass a measure of that sort for the sake of peace, and that religious squabbles in the local Boards were to be deprecated. Now, he did not undervalue the importance of peace; but he asked whether the clause, as it stood, would really conduce to it? It seemed to him that if any clause could have been framed more likely than another to lead to heartburnings and litigious quarrels, it was this one. It was most difficult to understand and construe it. It was not merely a question of the disputes that might arise at particular times, such as at the election of the school Board, when there might be a struggle as to which party should have the predominance; but he said that throughout the whole working of the school, at every turn and corner, they might have questions raised that would cause very serious embarrassment. He looked upon the insertion of those words as a regular trap, because what did they do? They absolutely prohibited the use of any catechisms or formularies that were distinctive of any particular religious denomination. What were religious catechisms they might understand; but what was a "religious formulary?" And what, again, was a religious formulary that was "distinctive of any particular denomination?" When acute and litigious minds set to work to construe those terms, they might depend upon it that all sorts of questions and disputes would spring up. What was a formulary? Was a prayer a formulary? Was a creed or was a hymn a formulary? These were all questions that might be argued; and if it was admitted that these were formularies—as, indeed, could hardly be denied—all kinds of difficulties would arise. Take the case of a hymn. It had been stated that, although Dissenting communities might have no creeds or catechisms like those of the Established Church, yet a great deal of their theology was conveyed in the form of hymns, some of which were of a highly doctrinal character indeed. Well, suppose some person, objecting to the strong Calvinistic tone of the hymns taught to the children, raised the question whether those hymns were not religious formularies, according to that clause, and formularies, moreover, distinctive of a particular denomination. That was only a sample of the number of questions that might arise. How were they to settle what was a formulary distinctive of any particular religious denomination? They were told that the Apostles' Creed did not come within that definition, because it was not distinctive of any particular denomination, being accepted by so many different denominations. Take the Athanasian Creed. Was that, or was it not, a formulary distinctive of any particular denomination? It was distinctive of more than one denomination. He did not know that anybody proposed to teach the children the Athanasian Creed; but in answering an argument it was necessary to keep to the same line as the argument followed. In very many cases the same question would arise. Was a formulary to be prohibited that was common to two or three religious denominations but not held by others? Or was it necessary to take those which were adopted by all? If so, they would have to come to something like Pope's Universal Prayer, because they must have regard not only to Christians, but to other denominations besides, and they would find many of their formularies objected to not only by various Protestant denominations, but by the Roman Catholics, by the Unitarians, by the Jews, and possibly also by persons of even a wider range of religious difference than that. The clause, therefore, did not lead to peace, and there was no necessity on that ground for adopting it. But it was said that it was necessary for the sake of conciliating the Nonconformists generally, or some sections of them, whose aid was requisite to pass that Bill. Now, he asked the Government whether they held the one main object to be simply to pass the Bill, or whether it was not rather to work the Bill when it had passed; and whether they were not sacrificing a great deal of future for the sake of a comparatively small present advantage? Certainly, hon. Gentlemen on his side of the House had shown every disposition to co-operate with the Government as far as possible, not only in passing the Bill, but in an honest desire to work it afterwards. And one great reason for that had been the conviction which had spread among those persons in the country, whom hon. Gentlemen on his side usually represented, that the Government were honest and sincere in the professions with which they introduced that Bill. He appealed, then, to the Government whether it was not worth making some little sacrifice of goodwill on the part even of some of their own supporters to preserve that feeling intact! What was the character and essence of the religious difficulty? He believed it was want of confidence—that was to say, want of confidence on the part of one denomination in the honest intentions of another.

The Nonconformists would admit freely enough in argument that the teaching of the Church in the schools might be so conducted as in no way to violate the consciences of the Dissenters; but they were afraid it would be so worked as to produce proselytism and antagonism to Dissent. On the other hand, there was a confession on the part of Churchmen that the claim of the Dissenters that their children should not be compelled to learn what their parents did not believe was itself a reasonable claim; but they had a suspicion as to that proposed interference on the part of the State to prevent such compulsion, because they had no confidence that the State would stop at what it professed was its main object, but feared that it would carry matters further. Now, there could be nothing more calculated to increase that want of confidence, or to nip in the bud the confidence that was beginning to grow up than the sudden change of policy of the Government, without any apparent necessity, on such an important matter as religious teaching. Those on his side had been led to believe that the Government would grant in the largest sense of the word perfect freedom of religious teaching; but now they suddenly found, when they were far advanced in the controversy, and when they had given up much, only on the understanding and conviction that the Government were sincere, that a great change was made in their policy. They saw little or nothing to account for that change on the part of the Government except the pressure of their supporters, and he feared that those who had got so much were not likely to be content with that, but would wish to go further. What the Government had given up was only an indication of what they would surrender in future years, and he was afraid such speeches as that made the other night by the Secretary of State for the Home Department were not calculated to restore confidence. People would say there was something more behind, and that this was only the beginning of a great change. Anything more calculated to shake the confidence which had before prevailed, and to destroy the good work that had been done than the change which had been made he could not conceive. He would earnestly appeal to the right hon. Gentleman in his capacity of Chief Minister of Education, which he practically was, and as one who had the interests of education at heart, to re-establish that confidence which he did so much to create, but which recently he had done much to shake, by restoring the clause to its original shape. He begged to move, in line 19, after "conducted," to insert "as a public elementary school within the meaning of this Act," with the view, if the Amendment were carried, to move another Amendment subsequently, the object of which would be to get rid of the new portions of the clause inserted by the Vice President of the Committee of Council, to which he had expressed his objections.

Amendment proposed,

In line 19, after the word "conducted," to insert the words "as a public elementary school within the meaning of this Act."—(*Sir Stafford Northcote.*)

Mr. PEASE said, that he had listened with great attention to the argument of the right hon. Baronet opposite (Sir Stafford Northcote), and if he understood it correctly, it led to almost exactly the same point as that of the hon. and learned Member for Stroud (Mr. Winterbotham), that there were only two courses open to them—that they should either give denominational education or no religious education at all. That might be a logical argument and conclusion; but he believed the practical conclusion they would arrive at was that there was a medium course. The question really was, whether the Government had not three methods open to them? The Bill, as it originally stood, could never have been accepted, because it would have left the majority in any school district to force their particular religious tenets on the minority. Then there was the plan of the hon. Member for Merthyr Tydvil (Mr. Richard) of having merely a plan of secular education; and, lastly, there was the plan of the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), which he called a medium course, that of having religious education, but from which creeds, catechisms, and formularies should be left out. The latter was the course which commended itself to the people of this country. It might not be the logical conclusion; but he believed it was the practical conclusion. He knew it was the conclusion arrived at by the great majority of his own constituents, especially in the country, who said to him—"Avoid by all means the extreme secularism of the hon. Member for Stroud; but we are perfectly willing to give up formularies and catechisms in our schools." He might mention that he attended a meeting lately at the Westminster Palace Hotel, where there were assembled 20 schoolmasters of the National schools, 20 of the Wesleyan schools, and 20 of the British and Foreign schools; and it was found that, apart from the teaching of their catechisms, their teaching from the Bible was identical. If this principle were not adopted what would be the position of the Church of England children in Wales, where only one-ninth of the population belonged to the Church of England? The Dissenters would there form a majority of the Boards; and, Dissenter as he was, he was struck with the strong feeling against the Church that animated the Dissenters in Wales, and yet it was to them that the teaching of the children of the Church of England in Wales would be handed over by the right hon. Baronet's Amendment. So in the Eastern counties—where the Church of England occupied a very prominent position—the children of Dissenters would be handed over to the teaching of the Church, without any check. As a Dissenter, he felt an objection to hand over the children of Dissenters to the teaching of the Church of England; but, at the same time, he felt that the great Scripture truths of religion were the birthright of every English child, and that they could be taught without creeds or formularies. The only fault he had to find with the plan was, that it did not go far enough—that it did not prohibit a master from teaching the doctrines of a particular creed out of the Bible, though not written in any catechism. But he knew the difficulty of doing this, and he had every confidence in the good sense of the country, and in the sagacity and discretion of the schoolmaster. He was much struck on reading in the newspapers an extract from the will of that great man who was buried the other day in Westminster Abbey, and whose open grave was visited from morning to night by crowds of all creeds and classes, who testified their respect for his memory by taking flowers, the gentlemen from their button holes and the ladies from their bosoms, and throwing them into the grave. The words of his will were—

> "I exhort my children to guide their lives by the teachings of the New Testament in its broad spirit, and to put no faith in any man's narrow construction of its letter."

What Dickens believed to be sufficient for the guidance of his children was also sufficient for the teaching of the children of the whole country.

LORD JOHN MANNERS said, the hon. Member who had just sat down gave as his reason for supporting the proposal of the Government, that it was equally opposed to both extremes. But in this he was mistaken, for though it excluded denominational it did not exclude secular teaching. It permitted secular teaching if the school Board were inclined towards it; what it prevented was denominational teaching, however much the school Board might be in its favour. Now, was that fair, was that just? The hon. Member said that he reposed confidence in the good sense and good feeling of the people of this country: so also did he, and for that reason he supported the Amendment of his right hon. Friend. Two essential principles were at stake in this proposal—the principle of religious freedom and the principle of local self-government, both of which were violated by the clause as it now stood. If those to whom the duty of providing for the educational wants of a district were intrusted were of opinion that a Roman Catholic school, a Congregational school—one of that newly-favoured class of British and Foreign schools, or a Church of England school were needed, why, in the name of religious freedom, he asked, should they not have the power of establishing such a school? The right of every person to withdraw his child from a school of which he did not approve was secured by a Conscience Clause, and a further power lay in the hands of the Government of supplementing any deficiency or remedying any injustice that might be occasioned by the action of the local authority. But the proposal of the Government struck at the freedom of religious education; and it was a mistake to suppose that the Amendment of his right hon. Friend (Sir Stafford Northcote) involved any compulsion upon the school Boards to establish religious teaching. As to the second head—the freedom of local self-government, a principle upon which he supposed they were all agreed—could there be a more direct infringement of that principle than was contained in the present proposals of Her Majesty's Government? So little confidence did they exhibit in the wisdom, discretion, and fairness of the school Boards to be created under the Bill, that they actually tied up and fettered their discretion beforehand on the points where their local knowledge could act with most effect. The school Boards were virtually told that they might make their choice between establishing schools as nearly as possible on the basis of the British and Foreign schools, or establishing purely secular schools, which latter at the same time they were told by the mouth of the Vice President of the Committee of Council on Education nobody wanted and nobody would stand. If the Amendment of his right hon. Friend were carried, there was no reason to believe that there would be any more dissension or difficulty in the election of these school Boards than there would be under the clause proposed by Her Majesty's Government. That clause had been originally commended as a proposal of peace to prevent those unpleasant discussions and difficulties which the Government foresaw. How had that proposal been received? He had not counted the Amendments standing on the Notice Book; but he did not exaggerate when he stated that there were at least half-a-dozen proposals to restrict still further the licence which the Bill gave to the local Boards. The strong probability was, that even the present proposals of the Government would not give that peace and insure that absence of polemical strife which the Government anticipated. Gentlemen below the Gangway did not even profess to be satisfied with the clause as it stood; and if such was the feeling within the House, where, after all, Gentlemen spoke with a certain moderation and regard for the views of others with whom they might not agree, they could conceive the state of feeling out-of-doors, where, in reality, the fight was going forward. Every Gentleman daily received communications from the central committee, sitting in Birmingham and speaking the voice of 5,000 or 6,000 Nonconformist ministers, which declared that they were no more satisfied with this proposal of the Government than with the clause in the original Bill. What, then, was gained by concession? Nothing whatever. The gentlemen out-of-doors and the Gentlemen in the House who represented them were both dissatisfied, and the question was left over to what some feared—but he did not—the agitation of the autumn. By actively interfering in favour of the establishment of a particular class of schools, a Parliamentary *imprimatur* was given to them, while a Parliamentary ban was placed upon schools conducted on any other basis. Was this a duty which Parliament wished to take upon itself, or should not its motto rather be "a fair field and no favour?" The present Bill would undoubtedly give great additional facilities to rate-established schools, enabling them to take land compulsorily and to borrow money from the Public Works Loan Commissioners. The rate-established schools, in fact, were set up on a sort of pinnacle, and held out as a sort of model for the country to follow. But this was clearly a departure from the original intentions both of the Government and of the Bill; and he gave his cordial support to the Amendment of his right hon. Friend as an attempt in one important particular to revert to them.

Mr. W. E. FORSTER said, his right hon. Friend opposite (Sir Stafford Northcote) had asked him two questions—first, why he had made this change? and, secondly, did he believe that it would work? In his remarks prefatory to the first question, his right hon. Friend had done him the honour of alluding to his remarks made at the time the Bill was brought forward, to the effect that the Government adopted the principle of perfect liberty of teaching in schools, combined with perfect liberty of withdrawal. His right hon. Friend, he felt sure, would bear witness that in making those remarks he was treating in that part of his address of the Conscience Clause, and of all the schools which were established on the voluntary system. To that principle the Government had adhered; they had not attempted to impose on schools established by individuals or by members of any religious denominations restrictions upon the liberty of teaching. But his right hon. Friend would remember that, in the remarks with which he then troubled the House, he drew a great distinction between the schools set up by voluntary action and those compulsorily established by the ratepayers. In answer to the questions put by his right hon. Friend, he would say that the reason for the alteration now proposed was that the Government believed the Bill would work more easily with these provisions than without them. The noble Lord (Lord John Manners) had referred to two great principles—impartiality of treatment of different religious bodies and freedom of local municipal action. He would not deny that, apparently and in theory, the first of these principles had been somewhat departed from, though he believed not in fact; and, to a certain extent, the other principle had been limited. He believed that it would have been wise to have trusted to these two principles, particularly the second one; and that if the Bill had been passed in its original form the anticipated dissensions would have disappeared, as they generally did when Englishmen had practical work to do. However, it was the duty of the Government not merely to see what would eventually work, but what would be the immediate result of imposing a very difficult task on the country. No one could doubt that the discussions in that House, and the expressions of opinion in the country, had greatly increased the probability of religious disputes in the Boards. What weighed most with the Government was the evident reluctance of those bodies who would have constituted the school Boards to take upon themselves the unfettered discretion of dealing with the religious question. One remarkable illustration of this was afforded by the deputation which waited upon him from the Town Council of Manchester, a city which was pre-eminent for the interest it took in the education question. That deputation was composed of gentlemen belonging to all parties, and it was their unanimous desire that absolute discretion should not be left to them. Deputations from metropolitan Vestries expressed a similar desire, and it was evident that that was the feeling prevalent throughout the country. In his belief, if we had left unlimited discretion to those parties their patriotism would have proved equal to the occasion, and they would have dispelled their own fears; but the Government had to consider whether it would be right to impose upon them a responsibility they were unwilling to bear. This was the chief reason why the Government thought it necessary to make some change, and the next question was, as to what change should be made. In the first place, they might have taken the course advocated by the right hon. Baronet the Member for Droitwich, and have fettered the discretion of the Boards more than was now proposed by declaring positively that there should be some religious teaching in the schools. The Government felt, however, that by doing so they would, in all probability, greatly injure the cause of religion. The forcing of religious teaching on the local Boards would have given strength and power to the small minority who now disapproved it, and an opposition to religious teaching would have been created in quarters where no such feeling at present existed. On the other hand, the Government might have established purely secular schools, but they felt such a course would be contrary to the sense and feeling of the country; and he must express his delight that such was the case. Again, the Government had to take into consideration the clearly expressed desire of the country for what was called unsectarian education. Then came the question as to how far they ought to attempt to realize that desire? Some of his hon. Friends thought the Government had not gone far enough; but the Government did not know what scheme to propose that would really go further. On examining the reasons why there was so strong a feeling in favour of unsectarian education, these two facts appeared. First of all, there was a general belief that theological dogmatic teaching was unsuitable for children; and here he could not help expressing his opinion that throughout these debates they had been thinking that they were legislating for themselves rather than for little children. A man in the full possession of his faculties could not have religious sentiments, feelings, or opinions without their being expressed in some kind of dogmatic form; but this was not the case with regard to children. Even in schools where the teachers professed to give strong catechetical instruction, it would be found that they dwelt chiefly on moral and spiritual lessons and historical facts, and not on theogical teaching. He now came to what he thought was the great justification of the change introduced by the Government. Why was there an objection in the country to catechisms and special formularies? It was not so much on account of the actual words of the catechizms and formularies, but because the putting of them into the hands of children appeared to be like claiming those children as belonging to a particular Church. This circumstance induced the Government to propose the exclusion of catechisms and special formularies in cases where the aid of the ratepayers was called in. Deputation after deputation, composed of clergymen of the Church of England and Dissenting ministers, had come to him and said they thought it would be better for religion and in the interest of their particular forms of religion if Bible teaching were allowed in the schools, but not catechisms and formularies. These were the grounds on which the Government had proposed the change. He felt bound to admit, however, that he still thought the original principle was the sound one.

Mr. BERESFORD HOPE said, he must confess he was much disappointed with the explanation of his right hon. Friend (Mr. W. E. Forster), which seemed to amount to this—"The course we propose will work easier, and it will pass the Bill better." When the Bill was introduced its principle was to allow the utmost liberty of action to all. There was no liberty or licence given to anyone by this variation from the original Bill; all that it did was to cut off a privilege. He must take issue on what the right hon. Gentleman (Mr. W. E. Forster) said in respect to the difference between the education to be given to grown persons and to children. He certainly agreed with him that the depths of dogmatic teaching which were good for adults were not fitted for children. But a child from the commencement of its education to its completion was the same human being, and that to say that at a certain age dogmatic teaching was wholesome and necessary, but before that time unnecessary, was to create a difference which could not properly be maintained. This clause he (Mr. Beresford Hope) considered to be a violation of that religious liberty which ought to be the principle of the Bill. It fettered the hands of the school Boards upon a matter in which they ought to be allowed the most perfect freedom. Dilemma and deadlock were stamped upon the face of this amended clause, for it implied that the local Boards could not be relied upon to organize, when they pleased, a system of dogmatic education. If school Boards were not absolutely to be trusted, they were not the proper organization for carrying on education throughout the country. His advice was that we should trust to local action and local inspection, and not tie up their hands. Amongst the proposed objects of the Bill was that of absorbing the existing voluntary schools into the general system; but if the clause, as now framed, were adopted, the effect would be to prevent that object being carried out.

Mr. DIXON said, it was not his intention to take part in the discussion they were now engaged in. He only wished to refer to one observation made by the right hon. Gentleman the Vice President of the Council, as to the reasons of the Government for the concession they had made on this question. The right hon. Gentleman had stated that those concessions had not been made in consequence of what had fallen from himself or from those with whom he acted on the question of education. Now that might be quite true, and it was a matter of complete indifference to him what the motives of the Government might be, provided they arrived at the conclusion which he wished them to adopt. His right hon. Friend had intimated that he had given way to the representations of the Manchester Town Council; but he wished his right hon. Friend to observe that one thing which he (Mr. Dixon) had stated from the commencement of these discussions was that the Government did not properly understand what the feeling of the country was on the subject. He and those with whom he acted pointed out that the course which the Government were taking was directly at variance with what they believed to be the feeling of the country, and it now appeared that the Government after all discovered that they were right, and accordingly yielded to the views which had been expressed by the Town Council of Manchester. Having found out that he and those who shared his opinions were right upon one point, he wished the Government would take into their consideration the question whether they might not be right upon other points also—whether the Government might not still in reality be wrong, and whether they might not have missed the true sentiments of the country, which were growing in the direction the Government did not seem inclined to take. At any rate, he, speaking on his own behalf, and feeling that he represented the views of many in that House as well as of a large number of persons out-of-doors, would not assume the responsibility of supporting the clause as it now stood.

MR. GLADSTONE: Sir, before I say a word on the subject of the Motion before the Committee, I should wish to refer to the observations of my hon. Friend who has just sat down. My hon. Friend has entirely misapprehended what fell from my right hon. Friend beside me (Mr. W. E. Forster). It appears to the hon. Gentleman that my right hon. Friend spoke with some disrespect of the arguments which he advanced on the second reading of the Bill; but all that he said was, that the manifestations of feeling in the country upon this question have had more weight in convincing the Government than the arguments of my hon. Friend or those immediately around him, and undoubtedly that was the case. It is obvious that this is a question in which the Government have been influenced not so much by considerations of logical consistency, as by a regard to the wants and sentiments of the people at large, and I am sure there was nothing in the observations of my right hon. Friend which can fairly be construed as disrespectful to the hon. Gentleman. With regard to the immediate question before the Committee, I feel I have no reason whatever to complain of the Motion of my right hon. Friend opposite (Sir Stafford Northcote), nor of the time that has been occupied, or may be occupied in the discussion of it, because this is, in fact, the first occasion upon which the right hon. Baronet's views on this question have been distinctly developed. We have had almost every other possible view elaborated, but this is the first time the right hon. Baronet has had a fair opportunity of expressing the views which he recommends the Committee to adopt. My right hon. Friend opposite has certainly stated those views with great force and clearness. At the same time I hope I may be permitted to remind the Committee that this is the ninth night of the discussion of the religious difficulty, that we are within one hour and three-quarters of the time when one moiety of the year 1870 will have passed away, that the Session is rapidly drawing to its close, and that the lapse of time at this period of the Session necessarily of itself tends to endanger the passing of a measure of this magnitude. Well, that being so, I shall endeavour to direct my remarks towards abbreviating the general discussion. It is not possible for me to look at the Motion of my right hon. Friend opposite without considering also the many other Motions that are to come. All these Motions are attempts to alter vitally in one sense or another the proposal of the Government. I say vitally not because I think there is either in the speech or the Motion of my right hon. Friend anything in principle that is to be condemned, on the contrary, I hold, in unison with my right hon. Friend the Vice President of the Council, that the principle which the right hon. Baronet advocates is sound and defensible. But the Government have to look to other considerations besides those of theoretical preference. After much delay and inquiry we have arrived at a certain conclusion, which, on our responsibility, we recommend as being practicable and for the advantage of the country, and it is in that sense only that I say the proposal of my right hon. Friend opposite expresses what is vitally different from the proposal of the Government—that is to say, with respect to the practical issues now pending. But his is not the only proposal we have to consider. It is impossible for us to consider the proposal of my right hon. Friend without reference to the others, and our position in resisting his can hardly be appreciated unless it is considered with reference to the similar position we must take in regard to the others. The right hon. Baronet says—"Go back to the Bill as it originally stood;" he says it gave a larger liberty to the teaching of religion than the measure now proposes to give. Now, that statement does not admit of being controverted. The change which the Government has made in deference to the state of circumstances in which we find ourselves, produced by the manifestation of the feeling of the country, is undoubtedly a change in abridgment and not one in extension of liberty. And that abridgment is, I admit, not so much on the side of secular as of religious teaching. These are facts which cannot be disputed. But this Motion, as I have said, must be considered in connection with the others of which Notice has been given. Looking at them all, I am almost induced to exclaim, in the language of Caligula or Nero—I really forget which —"Oh, that they had but one head that I might cut it off at one stroke!" However different in their individualities, these Motions are all alike inadmissible by the Government in reference to the position in which we stand. They all involve the abandonment of ground which we have taken up, and to which we have committed ourselves in the face of the country; which we adopted after full consideration, and after fully weighing all the opinions laid before us, when we were in possession of all the circumstances of the case, and with respect to which, consequently, we have cut off from ourselves all liberty of further essential change. This is understood not only by us, but by the House at large, and my hon. and learned Friend the Member for the City of Oxford (Mr. Vernon Harcourt) this evening founded an argument upon the fact that the Government had announced in substance its final proposals—remarking—

> "The right hon. Gentleman the Vice President of the Council has informed us there were to be no substantial Amendments after those which he offered to us."

We have before us the proposal of my right hon. Friend. Another is to be recommended in the shape of a compulsory use of the Bible in all schools; another in the form of the permissive use of the Bible to the extent of reading only; and another in the form of a permissive use of the Bible, with a limited faculty of exposition. That limited faculty of exposition has been described by some as the system of the British and Foreign School Society, and it has been said—I think inaccurately—by the noble Lord the Member for North Leicestershire (Lord John Manners), that the system of that society is the one which Parliament is going to establish in the rate schools. If that be so, let us consider what it is. We are about to be invited to provide by Act of Parliament that the exposition of the Bible in the schools shall be undenominational and unsectarian; or if these epithets are not to be revived, others still more stringent and trenchant are to be used in their place, and it is to be asked of us that in an Act of Parliament we shall impose these fetters upon the exposition of the Bible in schools. My right hon. Friend near me (Mr. W. E. Forster) has said that the Government sympathized with the desire for unsectarian teaching in schools, and I am prepared to support that statement in what I conceive to be its true sense—namely, it is our wish that the exposition of the Bible in schools should take its natural course; that it should be confined to the simple and devout method of handling which is adapted to the understanding and characters of children; but we do not admit that that simple and devout character of teaching can be secured by an attempt to exclude all reference to tenets and doctrines. That is an exclusion which cannot be effected, and, if it could, it ought not to be; it is an invasion of the freedom of religious teaching such as ought not to be tolerated in this country; and those who attempt to sustain it in argument, whether as between party and party in this House, or whether as between one branch of the Legislature and another, will find themselves shattered and discomfited the moment they attempt to bring to the tribunal of reason a proposition to establish by law a system so forced and unnatural as a definition of that kind would make it. I draw the strongest and broadest possible distinction between such an attempt to define what is undefinable—such an attempt to settle by words in an Act of Parliament what no words in an Act of Parliament can reach—and the practical object we have in view of giving to the course of instruction in schools that natural tendency, that natural flow, which my right hon. Friend has described, and which, we think, will be in a great degree—and almost as an universal rule—attained by the provision which now stands in the Bill. When I said just now that it was a mistake to say that Parliament was about to legislate in the sense of the British and Foreign School Society, I meant with reference to the manner in which the authority of that society has been cited for the purpose of warranting this legal interference with the freedom of teaching. Has the British and Foreign School Society itself found it practicable to provide that there shall be no exposition of Scripture in its schools, or, to use the remarkable words of an Amendment on the Paper in the name of the hon. Member for Manchester (Mr. Jacob Bright), that such exposition or teaching—

> "Shall not be used or directed in favour of or against the distinctive tenets of any religious denomination?"

That may be practicable, or it may not; but do not let the authority of the society be quoted in its favour, because here is the principle which the British and Foreign School Society regards as fundamental with regard to Scriptural teaching—

> "That in all schools established in connection with, or assisted by the society, the Holy Scriptures, in the authorized version, or extracts therefrom shall be read and taught daily."

A second rule is—

> "No catechism or other formulary peculiar to any religious denomination shall be introduced or taught during the usual hours of school instruction."

Whatever its desire may be, the British and Foreign School Society has found it impossible, in its general rules, to go beyond that very point—beyond the language in which the Committee is invited to legislate—namely, to provide for the reading of the Scriptures, and to exclude the use of catechisms and distinctive formularies, but not beyond that to impose limitations upon the freedom of teaching. If we are to have teachers who are really to teach religion, that religion must spring out of their own hearts and consciences, and it will not submit to be confined by definitions so artificial and unreal as these. How is a conscientious man to determine what are the motives by which he may support the precepts of Scripture when he is dealing with a child. He must, when he finds occasion, refer to the motive of fear, to the motive of hope, and, above all, to the motive of love, and it is impossible that he can speak of any one of these motives without exposing himself to a doubt which, as an honourable man, he will deeply feel, and cannot submit to—whether the manner in which he finds it necessary to appeal to one or other of these motives is, or is not, involving him in the distinctive tenets of any religious denomination. The commonest justice requires—if these men are not meant to be mere serfs, but honourable and Christian men—that if they are to work under such a system, you shall undertake beforehand to define for their guidance what are those tenets which they are to avoid, and what are the limits of those pastures within which they are to be permitted to expatiate. I will not speak of the proposal to make Bible reading compulsory, because my right hon. Friend, and many hon. Gentlemen, especially the hon. Member for Leeds (Mr. Baines), have stated most conclusively the reasons why it cannot be adopted. Now, I am perfectly well aware that my right hon. Friend opposite (Sir Stafford Northcote) has a great deal of logic on his side, and I am perfectly well aware that some of the proposals which may be made from other quarters of this House, have a great deal of feeling on their side. I do not at all deny that the proposal that we make is open to much comment and much criticism; but what I wish to point out is this—It gives practically full security for conscience; it does not impose upon religious teaching that kind of restriction which would reduce it to a formality, which would deprive it of all its life, and which the British and Foreign School Society, although aiming at unsectarianism, has found it impracticable to adopt. It falls in with the view of those members of local communities throughout the county who will constitute the local Boards, and who have declined to undertake the wide responsibility which the original Bill aimed at casting upon them. Such being the case, I think my right hon. Friend is perfectly justified in saying that it holds out the best promise not only of passing through Parliament, and receiving a far greater amount of general assent and acquiescence than any other plan, but likewise of meeting with that concurrence and that acquiescence in the country, and, therefore, of working more satisfactorily than any other plan which could be proposed. There is no other scheme which we could adopt, without at once issuing a proclamation of educational war between parties in this House—between this House, perhaps, and the other branch of the Legislature, and between parties in the country. We have, we think, a fair prospect—aye, a good prospect—of leading to a conclusion which, on the whole, will be satisfactory to the great bulk of reasonable men, this great question which has been opened by this Bill. We have a conviction derived from our reflection and observation that to depart from the position which we now hold, so far as its substantial and essential conditions are concerned, would be not merely to involve ourselves in difficulties of argument, far less to involve ourselves in difficulties of politics, but to compromise the interests of this great question, forfeiting the hope which is set before us of an early and satisfactory conclusion, and substituting for it a barren and unprofitable, and, for aught we know, an interminable controversy. That is a responsibility too great for us to undertake. We have found it a duty to acknowledge the concessions which have been made to us from the opposite side of the House, and I must again say that I think my right hon. Friend who has made this Motion is perfectly justified in stating that the concession is a very large one which allows of the exclusion of all those formularies and the catechism—that instrument by which the Reformed Church of England has worked for 300 years in the instruction of youth. Surely, the giving up of that document for the sake of harmony and general co-operation is an immense concession. I cannot join in making further demands. I think that a sense of equity forbids it; and, certainly, if the sense of equity forbids it, considerations of expediency and policy are equally imperative. I do not speak of expediency and policy in any mean sense, but of the expediency and policy which constitute the highest duty, and which require that we should endeavour to cast a measure of this kind in such a shape as that it shall pass into law with the greatest amount of concurrence and approval that can be obtained from Parliament, and that when it has passed into law, it shall hold out the greatest promise of future blessing in the general consent and acceptance of the country.

Mr. DISRAELI: Sir, the Committee will observe that the right hon. Gentleman (Mr. Gladstone), though he opposed the Amendment of my right hon. Friend (Sir Stafford Northcote), has not spoken in opposition to it. Now, Sir, the Amendment of my right hon. Friend is in favour of free religious teaching; and, if carried, it would virtually bring us into the same position which the Government measure proposed when it was first brought under our consideration. And, therefore, it would be impossible for the right hon. Gentleman or his Colleague (Mr. W. E. Forster) to speak of the proposition of my right hon. Friend in any other tone than that which has just distinguished the observations of the right hon. Gentleman. I have not yet heard from the right hon. Gentleman any satisfactory reason why the Government departed from their original policy, and why they have placed themselves in a position which renders it necessary for them to oppose the Amendment of my right hon. Friend. I hear vague rumours that the policy if pursued must have led to local animosity and religious discord. I should have thought that in such a grave contingency, such possible results must have been well weighed by the Cabinet before they brought their measure under the consideration of Parliament. But if it be an unfortunate consequence of the strong convictions and lively feelings which exist with regard to religion, at all times and in all countries, that there should be, from the infirmity of human nature, this animosity and discord occasionally produced, I have yet to learn that under the new scheme there will be less chance of that discord and that animosity. I understand from the right hon. Gentleman—and after his exposition there can be no doubt about it—that we are to leave the schoolmasters to the almost unrestricted development of their religious feelings and views. I agree with the right hon. Gentleman that it is quite impossible, and most impolitic, to attempt by legislation to restrict the action of schoolmasters in that respect; but I want to know why should the result of the unrestricted influence of schoolmasters with regard to subjects of religious instruction be less productive of religious animosity and discord than the original plan of the Government, which left to the school Boards the determination of the general denominational course which should be adopted? It is impossible to believe but that these schoolmasters — men of ability and cultivation, animated by all the convictions and passions of human nature — must produce a great local influence, and an influence which will be not only great but varied. You will have formularies, but they will be different formularies in different places. You will have the formulary of Bradford, the articles of Manchester; you will have the creed of Leeds or of Liverpool. How, then, are you by this new scheme to avoid these disastrous consequences, the contemplation of which has induced the Government to change their policy, expressed in their matured scheme, and to make the proposition which now appears before us, and to which my right hon. Friend objects? I ask, what is the reason of this change? Why is there to be this restriction of the freedom of religious teaching? The right hon. Gentleman says it is in consequence of the representation of the Town Council of Manchester. At least, I inferred that from what the right hon. Gentleman said and from the declaration made; and unquestionably the Committee is under that impression. But I am not prepared—and we have not yet passed that part of the Bill—to agree that these school Boards should be appointed by Town Councils. I am rather prepared to support the proposition that they shall be appointed by the votes of the ratepayers. And, therefore, it appears to me most unsatisfactory that the Government should have deviated, in consequence of a declaration on the part of the Town Council of Manchester, from their original plan, which unquestionably satisfied a large majority of this House. I hope the Committee will well consider this point. The right hon. Gentleman has referred to two principal reasons for opposing the Amendment of my right hon. Friend—the lateness of the season and the variety of other and contradictory propositions which will have to come before us bearing on the same point. I am perfectly aware that the season is late, and I am most anxious that time should not be unnecessarily lost. So far as I have been concerned, I have not set any example to those who are disposed to waste time. But I cannot agree that because the season is late we should forego a principle which we think of inestimable importance, and I think it a still less satisfactory argument that we should cease to advocate that principle, because other cognate propositions are to be brought forward, with which, probably, we on this side of the House should not agree. And, therefore, it appears to me that the two arguments of the right hon. Gentleman are inconclusive and unsatisfactory. The great principle which my right hon. Friend has brought forward in his Amendment is one which in the stillness and calmness of their councils Her Majesty's Government had considered, proposed, and adopted, and that was that there should be freedom of religious teaching, and that it should be obtained by appealing to the feeling and voice of the majority of the locality. That is all that my right hon. Friend asserts. He does not ask the Committee to pledge themselves to the advocacy of creeds or formularies of any kind. Whatever may be his own convictions or the convictions of his Friends, all that he asks by his Amendment is that there shall be freedom of religious teaching—the principle which the Government adopted, and which the House sanctioned by a large majority, and which is to be given up in deference to the protest of a local body to which I think ought not to be entrusted the formation of these school Boards. So far as I am concerned, I am far from agreeing with some hon. Gentlemen in their objection and suspicions as to what are called religious formularies. I believe that religious formularies have been of great advantage to man—that they have been securities for religious freedom, and the greatest bulwark we have against religious fanaticism; and I hardly know what would have been the condition of this country if the Church of England had not been fortified and guarded and to a certain degree restricted by religious formularies. Therefore, I cannot enter into that ground of objection, as to the possible consequences of the Amendment of my right hon. Friend. But I would remind hon. Gentlemen opposite that formularies are not confined to the Church of England, and that this question of giving to the managers of a school the right, if the majority decide in favour of it, to use a religious formulary, is not an attempt to obtain a privilege merely for the enjoyment of the Church of England. I know a case myself—it happened in my own experience. A lady of high degree—a sound Churchwoman, distinguished for the schools which she had established and admirably managed, has met the religious difficulty in her school by introducing Dr. Watts's catechism, which was adverted to in the debate a few nights ago. Dr. Watts was a man of learning, intelligence, religion, and morality. What would he have said—

what would have been the consternation of "the little busy bee" if he could have understood that the House of Commons, in the year 1870, was proving its spirit of progress and philosophy by absolutely passing a law that his catechism should not be used in schools? That, I think, is a position in which we ought not to place ourselves. I believe that the line which the Government originally took was the right one. I do not think that under any circumstances it would have led to more dissension than must be the necessary consequence of the course we are now called upon to follow, because the attempt to restrict the action of the schoolmaster would be vain, idle, and impolitic; and, that being the case, I trust the Committee will believe that in supporting the Amendment of my right hon. Friend—if he should ask the opinion of the Committee upon it—we are supporting the cause of religious teaching, and are not acting in a manner inconsistent with the spirit of religious liberty.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 95; Noes 252: Majority 157.

Lord AUGUSTUS HERVEY said, he would beg to move, in page 5, line 20, after "of" to insert "and subject to the regulations relating thereto to be made from time to time by." These words were intended to give effect to the declaration of the Vice President of the Council, that the solution of the education question was to trust the locality with the religious instruction given in the schools; and he proposed them, because he thought the Committee were entitled to have the intentions of the Government clearly embodied in this clause.

Mr. W. E. FORSTER said, the Amendment did not appear to make any substantial difference in the Bill; and, unless it did so, it would be unadvisable to add words to the clause. The only difference it seemed to make was to oblige a school Board to make regulattions when they might not think it necessary to do so.

Lord AUGUSTUS HERVEY said, that unless these words were inserted, a school Board would not have power to provide any religious instruction, and the education in every school established

by a Board would inevitably become secular.

Mr. W. E. FORSTER said, he believed the noble Lord was mistaken; but, should his view turn out to be correct, the matter should be set right on the Report.

Lord AUGUSTUS HERVEY said, he would, on that assurance, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. HINDE PALMER said, he had placed on the Paper an Amendment to add a regulation to the clause; but as the time of the Committee was valuable, there ought not to be discussions upon different Amendments to the same effect. It seemed to him more advisable that the question which he had intended to raise should be discussed on the Amendment of the hon. Member for Manchester (Mr. Jacob Bright), and he would, therefore, only reserve to himself the right to propose the latter part of his regulation.

Colonel BERESFORD said, he thought it would be desirable to limit to the working classes the power of sending children to the elementary schools to be established under the Bill, for otherwise they might be made to pay for the education of the children of people in a higher rank. The best way of effecting that object would be to fix in the Bill a limit as to the net income of parents. A thousand boys, the sons of shopkeepers, were being educated at a school in Cowper Street, City Road, at an expense of £4 per annum. The education given at these schools was of a practical character, and this system of middle-class education, which fitted boys for commercial pursuits in after-life, was spreading largely throughout the country. The education to be given in the schools to be established under this Bill would accomplish all that was required from middle-class schools; and, therefore, it was necessary, in his opinion, to place some bar that should prevent persons having a certain income from sending their sons to the public rate-aided schools, and therefore he begged to move the following Amendment:—Clause 14, page 5, after "management of such Board," insert—

"Provided always, That no parent shall be entitled to send his or her child or children to be educated at such public elementary school whose net income shall amount to £150 per annum."

MR. W. E. FORSTER said, he could not consent to the Amendment being inserted. If it were to be applied to all public elementary schools, it should have been proposed on Clause 7. He did not, however, see that people whose income amounted to £150 should not be allowed to send their children to a public elementary school; and in many cases there might be considerable advantage in having children of all classes attending the same school.

Amendment *negatived.*

MR. WINTERBOTHAM said, he did not intend to propose his Amendment, to the effect that "no religious instruction shall be given or religious observances practised other than the reading of the Scriptures." He deeply deplored the decision to which the House had already come upon this matter; and he looked forward with an anxiety he did not care to conceal to the application of the same principle next year to Ireland. But the House having already decided the question, he did not think he ought now to re-open it, though he felt that a system of national education could only be accessible to persons of all creeds by the entire separation of secular from religious instruction. The Amendment to be proposed by the hon. Member for Manchester (Mr. Jacob Bright) would enable the point to be more fully discussed.

Amendment, by leave, *withdrawn.*

SIR JOHN PAKINGTON said, he rose to move the Amendment of which he had given Notice, in page 5, line 24, to leave out sub-section 2, and insert—

> "2. The Holy Scriptures shall form part of the daily reading and teaching in such school, but no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught therein."

[*Cries of* "Withdraw!"] He had not, during the discussion that had taken place, unreasonably occupied the time of the Committee, and therefore he trusted he might receive its indulgence whilst he proceeded to move his Amendment. And whatever might be the opinion entertained of it, all, he thought, must admit that it involved a question of very high principles. He would be brief in moving the Amendment; but, at the same time, he must say that the brevity with which he should move it was not to be taken as any measure of the feeling of anxiety with which he brought it before the Committee; and his anxiety had not been diminished by the fact that the First Minister of the Crown had, by anticipation, announced his intention to resist it. The question whether or not the Holy Scriptures should be read in the schools was one of high principle and of great importance. He had a strong opinion upon the subject, and however small the support he might receive, he should test the principle he advocated by pressing it to a Division. The First Minister of the Crown had that night done justice to Members who sat on those (the Opposition) Benches by acknowledging the spirit of concession in which they had met the Government on this Bill; and he need scarcely add that there was no point on which concession had been more painful to those who, like himself, had been willing to make the concession, than that in no rate-aided school should the catechism or formularies of the Church of England be used. However reluctantly, he had come to the conclusion that in rate-supported schools catechisms and formularies of any particular denomination should not be insisted on. But he could not agree with some of the Nonconformists that this was not a great concession on the part of members of the Church of England. What concession did he ask in return? He did not ask for a concession in favour of any party. All he required was that they should, by recognizing the necessity of teaching the Holy Scriptures in their schools, show a due deference to that desire which had been expressed by, he might say, the whole country. The desire expressed by the country had been that the teaching in our schools should be religious, and in deference to that desire he felt it to be his duty to move this Amendment. He would remind the House of the nature of the duty on which they were engaged — namely, enacting for the first time a system of general national education in this country, and he would appeal to the House and public feeling whether it was consistent with their duty that they should pass an Act in which, from one end to the other, there was no provision that there should be religious teaching in our schools. Not only was this so, but there was a direct enactment in the opposite direction, for it was provided that religious formularies and religious catechisms should not be taught in those schools. Even under the Revised Code it was distinctly laid down that every school aided from the grant must be either a school connected with some religious denomination, or a school in which the Scriptures were read daily. Now, for what class were these schools to be established? For the poorest and humblest; and he thought that while, on the one hand, there was a negative clause requiring that formularies and catechisms should not be taught, there should, on the other hand, be some positive provision demanding that the children should be instructed in the Holy Scriptures. The question was a clear one—whether it was a matter of national interest that they should provide for religious teaching, provided they did it with a due regard to liberty of conscience. He maintained that their duty was plainly not to allow this question to be answered by individuals, but to lay down the rule that the Bible should be taught in these schools. He demanded nothing sectarian, and only required that the Word of God should be taught to the children of the poor. However small the minority which he might carry with him into the Lobby, he would record his protest against not enacting that the Bible should be taught; nor did he believe the Committee could refuse to accede to his proposition without leaving a stain on what was otherwise a great and beneficent measure.

Amendment proposed,

In page 5, at the beginning of line 24, to insert the words "2. The Holy Scriptures shall form part of the daily reading and teaching in such school; but."—(*Sir John Pakington.*)

Mr. COLLINS said, he was opposed to the system of secular schools. He hoped they might not become popular in the country. He believed the people of England were in favour not only of religious but of denominational education; but the same reason that induced him to support the Amendment of his right hon. Friend the Member for North Devonshire (Sir Stafford Northcote) prompted him to oppose that of his right hon. Friend the Member for Droitwich. He was for allowing liberty to the managers of schools. To adopt the Amendment would be to proscribe secular education.

Mr. W. E. FORSTER said, he was sure his right hon. Friend (Sir John Pakington) would give him full credit for sincerity when he said that it was with a good deal of pain the Government felt compelled to oppose an Amendment in which so deep an interest was felt by one who had extended such consistent, disinterested, and useful support to this Bill. He did not underrate the force of either the convictions or the arguments of his right hon. Friend; but the arguments against his Amendment might be wrapped up in a very small compass. He believed that by attempting to force their way of thinking on a municipality, whether it liked it or not, they would not be helping the cause of religious teaching. His earnest desire throughout the Bill had been, while obtaining the blessings of secular education for all children, to do nothing which could disparage religious education; but he could not think that the cause of religious education would be served by attempting to force municipalities in the matter.

Mr. GATHORNE HARDY said, that having voted for freedom of religious teaching when the Committee divided on the Amendment of his right hon. Friend the Member for North Devonshire (Sir Stafford Northcote), he would feel great difficulty in supporting the proposition now before the Committee, because the same freedom that he asked for members of the Church of England he was willing to extend to Dissenters and Roman Catholics. He presumed that by reading and teaching the Holy Scriptures was meant much the same teaching as that adopted in the British and Foreign schools, and in some Nonconformist schools, as well as in those of the Church of England. The Roman Catholics, he believed, would not adopt that system. He had voted in favour of every school Board having perfect freedom of religious teaching according to its own tenets—that was to say, that if a school Board were established for a particular district, instead of its being necessary to establish either secular or what were called unsectarian schools, they should have the privilege of establishing schools that were suitable to the whole population; that, for instance, in Moorfields, where he understood the Roman Catholics abounded, they should not bring the schools into the difficulty of having to admit all sects, and thus frittering the religious teaching down to the lowest point, but that they should support a

Roman Catholic school in Moorfields with a Church of England school in the immediate neighbourhood, and also, if necessary, an unsectarian or secular school. That, he understood, was now allowed by the Bill, except that liberty of sectarian teaching was not given in the full sense of the term; for, as the Committee had just decided, the teaching of catechisms and distinctive formularies was to be prohibited. Still, they had left free religious teaching to a certain extent; and as he thought the present Amendment would fetter freedom of education to a certain degree, while he did not like, even in appearance, to vote against religious teaching, yet, on the other hand, as he did not wish to vote against the freedom of other denominations than his own, he was unable to support his right hon. Friend's proposal.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 81; Noes 250: Majority 169.

Amendment proposed, line 24, to leave out the words "which is distinctive of any particular denomination.—(*Mr. Hibbert.*)

MR. W. E. FORSTER said, he would consent to change the word "denomination" into "denominations."

MR. NEWDEGATE said, as it had just been decided that the religion which was to be taught in the schools was not the religion of the Bible, it was only natural that he should ask this simple question—what was the kind of religion which was to constitute religious teaching in those schools?

MR. W. E. FORSTER said, the hon. Gentleman (Mr. Newdegate) had entirely misinterpreted the action of the Government and the meaning of the late Division, which was not one in which the majority had voted for the exclusion of the Bible. The hon. Gentleman must be aware that the debates had all gone on the understanding that the Government accepted the introduction of the Bible if the school Boards were in favour of it.

LORD ROBERT MONTAGU said, that what he had considered in declining to vote for the Amendment of his right hon. Friend (Sir John Pakington) was this—that the rate-supported schools were meant for everyone, and therefore they ought to treat everyone justly. It would be very unjust, for instance, to oblige Roman Catholics to teach the Bible, which would be very different from the teaching of their own religion.

SIR JOHN LUBBOCK said, the right hon. Gentleman (Mr. W. E. Forster), in endeavouring to avoid Scylla had fallen into Charybdis. By making the word "denominations" instead of "denomination," the effect might be that the catechism or formulary of any particular denomination would not be excluded. He would suggest that the words should run "denomination or denominations."

SIR ROUNDELL PALMER said, he was of opinion there was no occasion for the change, as it was a well-known rule in interpreting Acts of Parliament that, unless otherwise expressed, the singular should include the plural and the plural should always include the singular.

Amendment, by leave, *withdrawn.*

MR. JACOB BRIGHT said, he rose to move an Amendment which stood in his name, and in order to present a simple issue he would move the first three lines—

> "In any such school in which the Holy Scriptures shall be read and taught the teaching shall not be used or directed in favour of or against the distinctive tenets of any religious denomination."

After the speech which had been made by the First Minister of the Crown he scarcely thought the House would accept the Amendment; but, while it was quite clear, from the discussions in that House and in the country, that there was a strong feeling against excluding the Bible from the schools, and also against refusing some reasonable degree of latitude in the way of explanation of the Bible, he believed the wish was quite as strong that the Bible should not be made in the schools a text-book for theological and sectarian teaching. In the interest of all the young children attending those schools, and in justice to the taxpayer, the Government ought, if possible, to prevent the Bible from being used in that way. As the Bill stood, unlimited power was given of religious teaching in the rate-supported and the rate-provided schools; there was no provision to prevent any religion or any creed from being expounded and taught. He had been told there was not a middle path, and that everything must be admitted, or everything must be excluded; but he entirely dissented from that statement.

If there was not a middle path, then there was a great hallucination on that side of the House; for he believed that, but for the Government pressure brought to bear on the House, some nine-tenths of the Members belonging to the Liberal party would vote for the Amendment he proposed, or for some similar proposition. If they were to exclude from the teaching everything of a sectarian character there would still remain all that was necessary to impress the minds of children with reverence for sacred things, and to give them a broad and simple faith on which to rest. To pass his or some similar Amendment would be to enact an equal law, which was all the country demanded, and which neither school Boards nor schoolmasters, in whom he had confidence, would wish or dare to evade. Had the words he moved to insert in the Bill been introduced by the Government, the measure would have been rendered more acceptable to a large portion of the people of the country. It would have been acceptable to the Nonconformists, and to that class which supported the great organization presided over by the hon. Member for Birmingham (Mr. Dixon); and he might add his belief that the proposition would not have been opposed by hon. Members on the other side of the House. The opinion prevailed among the Conservatives in Lancashire that there was such a thing as Bible teaching of an unsectarian character, and resolutions embodying that opinion had lately been adopted by an influential meeting of the Manchester and Salford District School Association. To adopt a phrase used earlier in the evening by the First Minister of the Crown, he admitted that his proposition was based not so much upon considerations of logical consistency as upon a desire to meet the wants and feelings of the country.

Amendment proposed,

At the end of the Clause, to add the words "In any such school in which the Holy Scriptures shall be read and taught, the teaching shall not be used or directed in favour of or against the distinctive tenets of any religious denomination."—(*Mr. Jacob Bright.*)

Sir ROUNDELL PALMER said, that in stating his reasons for opposing the Amendment, he wished to point out the necessity of considering, in the first place, the effect of what the House had already done; and, secondly, what would be the effect if this Amendment were adopted. The House had already determined, as a safeguard for peace, that distinctive catechisms and formularies should not be authoritatively taught in schools supported out of rates. He voted in favour of that proposition, although he strongly felt that they ought to endeavour to secure the greatest practicable degree of freedom of religious teaching in schools, and that, without preserving substantially the integrity of religious teaching, they could have no real religious teaching at all. But it did not appear to him that, by accepting the Government proposition, he was compromising that principle. That proposition seemed only to prevent rate-created schools from having a formal denominational character. He thought that schools having a formal denominational character would be best established, alike in the interests of religion generally and in the interest of the specific tenets of the denominations themselves, by means mainly of voluntary efforts, and that their true interest was not to seek to establish a public ascendancy in the arena of meetings of ratepayers. When the Bill was first introduced he saw clearly that it would be necessary for the Government to make that concession, and that if the concession were not made it would be scarcely possible to avoid perpetual pressure and perpetual disturbances of peace, tending in the end to promote the views of the secularist party, and not to promote the views of those who desired to see a religious education spread over the face of the country. If so, it was in the true interest of religious teaching, and of the Church, that that concession should be made; for distinctive catechisms and formularies were necessarily symbolical of the predominance of particular denominations, and, although convenient and useful, they were not necessary for the integrity and freedom of religious truth and teaching. But the proposition of the hon. Member for Manchester (Mr. Jacob Bright) was an entirely different matter. It would be wholly impossible for real, honest, and serious religious teaching to take place consistently with keeping good faith towards the law on the one hand, and maintaining the peace of the community on the other, if the hon. Member's Amendment was adopted. It was, in fact, a short, rapid, and inevitable road to mere secularism, because it aimed at the impossible and unreal —at that which the religious convictions of every individual teacher must compel him to believe he could not accomplish. What meaning was really attached to the phrases, so often used in debate, "unsectarian religion," and "our common Christianity?" God forbid he should deny that such things existed! for there was nothing that he valued more than what he believed in common with the generality of Christians. But every man who held that common faith, held it in the particular way in which he had received it, and in connection with the whole system of belief which he himself had personally received. And if a man wished to teach religion he must speak of it and teach it as he himself had received it, and as he himself believed it. He could not teach it in fetters, or in a strait-waistcoat. He must be permitted to speak like an honest man of the truths which he believed, and if a law were laid down on the subject, which told him he must confine his teaching so as to avoid all special tenets, he would always, if he acted in good faith, be under the apprehension that he was overstepping some imaginary line, which no man yet had defined, or could define. Either he must be conscientiously endeavouring to neutralize the force of that mode of teaching religion which his own conviction suggested to him, or he must be running the risk of overstepping the line. In either case the irritation and disturbance produced by such a frame of mind, and the knowledge of the constant suspicion to which the teacher with all his care might be exposed, would be adverse to the efficient working of the system. The hon. Member who had just sat down did not propose to invest any authority with the power of receiving complaints as to whether the conditions had been overstepped or not. But this omission would be supplied by the Amendment of which another hon. Member had given Notice, which, if adopted, would make the religious teaching of the school the perpetual battle-field of the jealous, suspicious, angry, hostile interference of one religious body with another. Was there any necessity for this? He ventured to say none whatever. Religious teaching must be specific; but it need not be sectarian or denominational. The schools would be, for every proper purpose, under public observation, superintendence, and control, and the exclusion of denominational formularies would tend to remind the teacher that he was not to constitute himself the organ of any particular denomination, though at liberty to teach freely and without fetters. This knowledge on his part constituted as efficient a security as could well be required; but there was the further safeguard that, the children being of a very tender age, all attempts to indoctrinate them with polemical tenets must necessarily fail. All, therefore, who desired the reality and substance of religious teaching would do well to avoid making themselves parties to a proposition like that before the House, which, promising what it could not perform, would only lead in the long run to the ascendancy of secularism; or, if the denominational principle was too powerful in the country for that, then to a decided reaction, which might be fatal to the successful operation of the present measure.

MR. WHITBREAD said, the answer sent back by the country to the question put before it by the secularists was both grand and deep, and was returned with an unanimity which few could have expected or foreseen. In that answer lay rare power and wealth, if the Government had only known how to incorporate it in this Bill, and put it into practical working shape. The answer of the country was, that it desired religious instruction in the schools; but it would be quite possible to abuse that answer, if instruction were given of a kind distasteful to any large body of the people. It would be a mistake to imagine that the country desired any particular form of religious education. The people might very naturally turn round and say—"If you cannot agree upon what religious education ought to be given, we will take the secular education first, and agree as to religion afterwards." He had watched carefully the results of the meetings held all over the country, and he believed the character of the teaching which was desired was very simple. In the words of the First Minister of the Crown—"The teacher in instructing the child should be able to appeal to the motives of hope and fear and love." What denominationalist would quarrel with that? His hon. and learned Friend who had just sat down in a breath said that it was impossible for the teacher to teach honestly unless, at the same time, he imparted his own doctrines; in the next breath he insisted that there was no real practical difficulty, because the instruction conveyed to the children could not be doctrinal. He first insisted that the teacher must run the risk of violating this law, if passed, and then maintained that the teacher would never instil points of doctrine, but would content himself with inculcating elementary truths. He agreed with his hon. and learned Friend. The difficulty was not one which had yet penetrated into the schoolroom; it was a Parliamentary difficulty. But he feared it would soon reach the schoolroom, if the Bill of the Government were passed in its present form. Unsectarian religious education in this debate had been branded with some hard epithets; it was called bloodless and colourless; but at least it was wanting in gall and bitterness, and in that fact, probably, lay its greatest recommendation to the young children for whom it was intended. What was it, he asked, that the Government were afraid of? Some of them seemed to have conjured up a spectre which had frightened them. The question had been argued as if the body of teachers all over the country would set to work to evade the law. His estimate of the schoolmaster was very different; he believed that, like honest men having the welfare of their schools at heart, they would strive to obey the law as closely as they could, if only the House would openly declare that education was to be simple and unsectarian in its character. He must say, that after the speech of the First Minister of the Crown that evening, he read the Bill in a different light from what he had done before. He now saw that the teaching in these schools was intended to be denominational. The First Minister had declared it to be impossible for the schoolmaster to teach unless he inculcated the doctrines in which he himself had been brought up. [Mr. GLADSTONE: I did not say so.] He would be sorry to misrepresent the right hon. Gentleman, but did not think he had done so. [Mr. GLADSTONE: Yes; distinctly.] The impression left upon his mind by the speech of the right hon. Gentleman had certainly been that it would be impossible for the teacher, if he were an honest man, to avoid from time to time violating a rule of this sort if it were laid down. What must be the effect of that? Why, that the teaching would practically shut out the children from the advantages of the school. He desired as much as anyone to see the Amendment carried; but outside the House he knew that suggestions had been tendered to Members, to the effect that if they were unable to carry some Motion of the kind now submitted, it would be better to throw out the Bill altogether. That was violent and reckless advice. It would be quite easy for a small number of Members, by misusing the forms of the House, to bring about the loss of the Bill for this year; but that would be contrary to the desire of the majority of the House, who wished, above all things, to make a start for the benefit of the uneducated children this year. The building of the schools and setting the machinery in motion would take a long time, and it would be quite easy to make alterations in the scheme in future years. So strong was the appeal of the many thousands of children to him that, whether the vote was with him or against him—and he thought that if there were no threats held out with respect to the fate of the Bill, it was quite possible that they would find themselves in a slight majority—he would do his utmost, by perfect abstinence from speaking, to secure the speedy passage of the Bill. He intended voting on that side which seemed to give the most hope of settling this difficult question in the way most consonant with the principles of religious equality.

MR. COWPER-TEMPLE said, the hon. Member (Mr. Whitbread) had made a most earnest appeal in favour of unsectarian religious education; but he had not justified his preference for the Amendment of the hon. Member for Manchester (Mr. Jacob Bright) to the proviso already in the Bill. He (Mr. Cowper-Temple), however, objected to the Amendment, because it would protract and increase the controversy between sects, by directing the attention of local Boards, parents, and the public to those points which constitute the difference between denominations. The exclusion of catechisms and formularies left the opinions and faith of the teacher untouched, and dealt only with lesson books which bore upon their title page plain indications of their origin. The test was clear in this case; but in the case proposed by the hon. Member for Manchester no definite test could be applied; everybody concerned would be incited to dispute on the subject. The Amendment would be a delusion; it would also be a snare to the teachers; and it would cause such disappointment as would soon necessitate a change.

SIR GEORGE GREY said, he agreed with every word which had fallen from the hon. Member for Bedford (Mr. Whitbread). He had hitherto refrained from taking part in the debate for fear of delaying the passage of the Bill, which he humbly supported, though it might in some points be imperfect; but he would not now shrink from avowing his entire sympathy with those who desired to secure that the religious instruction given in rate-supported schools should be unsectarian. The House, in accordance with the opinion of the country, had decided that religion should not be separated from secular instruction. In voluntary schools this object was amply attained. The Government had taken care not to interfere with existing denominational schools, except so far as was necessary to secure religious freedom to those children who were not members of the Church with which the school was connected. The case of rate-aided schools was, however, wholly different. It was a defect in the original Bill that it did not provide any adequate security against their becoming as denominational as the voluntary schools. The Government had admitted the necessity for some such security in accepting the Amendment which prohibited the use of creeds or catechisms, but the narrowest sectarianism might still be taught. He knew it was difficult to define matters of this kind in an Act of Parliament; but he did not agree with his right hon. Friend below him (Mr. Gladstone) that a religious schoolmaster could not teach religion without instructing children in the difference between various denominations. If the intention of Parliament were made clear, as would be the case if this Amendment were adopted, it would be easy for a schoolmaster to conform to it, and teach religion in an unsectarian spirit; nor did he think, if the intention of Parliament were made clear, that either schoolmasters or managers would exercise a perverse ingenuity in order to defeat that intention, although it would be impossible to frame an indictment against them if they did so.

DR. LYON PLAYFAIR: I quite understand and sympathize with the spirit which animates the hon. Member for Manchester (Mr. Jacob Bright) in his desire to prevent dogmatic teaching in schools; but I do not at all understand how he is to give to his desires the force of law. Who is to determine whether the teaching is directed in favour of, or against the distinctive tenets of any religious denomination? There must be some authority to do this. If that authority be the Education Department, you are mixing up again the Government with the religious education of the people. One of our greatest triumphs in this educational reform is the abolition of denominational inspection. My hon. Friend is inventing a new form of religious inspection of the most inquisitorial and peculiar form—an inquisition into distinctive tenets, which are extremely difficult at all times to define. I can understand the terms of the 2nd subsection of the 14th clause. Catechisms and formularies are things you can label and define, and the proof of their use is comparatively easy; but I defy any man to expound the Scriptures without stumbling against some man's religious views or some Church's tenets. You are laying a trap for every teacher in the country. My hon. Friend attaches no penalty to his Amendment, and gives no means of appeal, and therefore he may only mean that his addition to the clause should be a moral warning to the schoolmaster, without power of enforcement by the secular Inspectors; then, I say, it has no business in the Bill. Anything that appears to have the force of law, and yet cannot be enforced in law, greatly weakens the dignity of law. It is far safer to trust to the moral sense of the school Boards and the teachers, who will find it to their interest to teach religion in a way that will be acceptable to all. Children of tender age are not very good receptors of dogma, and, when catechisms and formularies are excluded, are not likely to be more receptive in the future than they have been in the past. I intend to vote against the

Amendment, because I do not believe that it can be enforced in law; because it connects the State with religious teaching in a far too intimate and impolitic form; because it will impose upon the teacher restrictions and dangers which are opposed to the efficiency of his teaching; and, lastly, because it is a new way of imposing religious tests.

MR. W. E. FORSTER said, the force of the appeal made to him by his hon. Friend the Member for Bedford (Mr. Whitbread) would be felt on both sides of the House when they came to vote on the important Motion now under discussion. His hon. Friend expressed a hope that the Government would use no threats with regard to the Division. Well, he intended to utter no threats; but the position of the Government must be carefully considered. They had made a considerable departure from the original Bill, and had in consequence called for great concessions from many persons who entertained strong convictions on the subject of education. Therefore, the Government could hardly be expected to go much further. The Member for Bedford had very truly stated that this question did not much affect the children. Indeed, he did not believe that if the Member for Manchester's Amendment were carried it would make any perceptible difference in the teaching. Unless a system of secular education were established by Parliament, it mattered little how the clause were worded, because, whatever its precise terms might be, undenominational religious teaching would be given to the children. Such was the kind of religious instruction given generally at the present moment, even in denominational schools; but if this question did not affect the children, it certainly affected the masters. The more conscientious a master was, the more difficult would be his position in the event of the words proposed being adopted. If he were let alone he would not be inclined to impart sectarian instruction to the children; but if he were ordered not to do so, he would feel himself to be in chains from morning to night, and would be constantly asking himself whether he was not directing his teaching against the distinctive tenets of some creed. The Government had already given the strongest indications in a general way that the religious instruction was not to be sectarian or dogmatic; but they could not consent to this Amendment, which would hamper the consciences of some teachers, and he put it to his hon. Friend whether he would risk the success of the Bill by insisting on an Amendment which would be unproductive of practical results.

MR. GLADSTONE: Sir, the Committee will probably think that, after the pointed allusions which have been made to my speech by my hon. Friend the Member for Bedford (Mr. Whitbread), I ought not to allow a Division to be taken without saying a few words. I am sorry my hon. Friend found it necessary to impute to me sentiments which are the reverse of those I uttered. He stated my opinion to be that it was impossible for a conscientious schoolmaster to teach a school without expressing his own religious belief. On the contrary, what I really said was, that the natural course of instruction in school, when rightly understood, was freed in a great degree from anything which could be called by men of sense denominational peculiarities, but that that which is perfectly easy for us to understand in conversation may be a matter totally unfit to be introduced into and defined by an Act of Parliament. My right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple) illustrated this argument in a happy manner when he said—

> "We all understand perfectly well what is meant by a party man and by a no-party man, but who would wish to enact that such and such offices should be given to party men or to no-party men?"

Yet now it is deliberately proposed, in consequence of fears which are wholly chimerical, to induce Parliament to found a most important part of a great measure on language of which no one can define the meaning. Indeed, my right hon. Friend the Member for Morpeth (Sir George Grey) admits that if a schoolmaster were to disregard the injunction an indictment could not be framed against him. Such was to be the slipperiness and ambiguity of the language that an indictment could not be framed against those who broke the law. If an indictment were preferred against a schoolmaster every Judge would say that Parliament had used language which was unintelligible, and that those who made unintelligible laws must expect to see them disobeyed. Of the intention of the hon. Member for Manchester (Mr. Jacob Bright) I make no complaint, but the effect of his Amendment would be to introduce a new kind of State religion. It would make the State responsible for the doctrines taught in the schools. We cannot play with edge tools such as would be introduced by this Amendment. If you insert in the Bill language of this kind, which is admitted to be incapable of legal construction, you must either recede with discredit from the principle laid down, or else go on and give it a practical application by further definition. You cannot choose the latter course without descending into the thorny paths of theological controversy and creating some new-fangled scheme of religion for which I must entirely decline to be responsible. Neither my hon. Friend the Member for Manchester nor my hon. Friend the Member for Bedford has thought fit to notice a significant circumstance to which I referred. We have in this country a society which aims at undenominational and unsectarian education. We have the British and Foreign School Society, who have for 65 years sought this object, and which has chosen the very path which the Government are now proposing to the Committee, without the slightest attempt at adopting the course advocated by my hon. Friend, which for a voluntary society would be comparatively easy, because a voluntary society is elastic and can adopt any measure which it may deem requisite for the purpose of giving effect to the principles which it desires to carry out. We have succeeded by the proposal which we have made in disarming much hostility. I see hon. Gentlemen opposite, who have admitted, in terms more or less correct, that our concessions were well adapted to secure the general settlement of this question. On that ground we have chosen to take our stand, because, although it may not be conformable to the precise predilections of some Gentlemen on this side of the House, yet it is our firm conviction that it is the only plan which, under the present circumstances of the country, promises to lead this undertaking to a happy conclusion. Let me reason with my hon. Friend for a moment, in whose every word I cordially agree, so far as his reference to threats on the part of the Government is concerned. Does my hon. Friend think the language which he used on that point is entirely worthy of him? Has there in reality been anything imperious, hasty, or dictatorial in the conduct of the Government? Have we shown an obstinate disposition in this matter? Have we used any threats?

MR. WHITBREAD said, he had not stated that there would be any, and he hoped that there would be none.

MR. GLADSTONE: I accept that declaration with gratitude, because it proves that up to the present moment the conduct of the Government has not been open to censure. But is it, after all, the duty of a Government to have an opinion?—although I am far from contending that it is its duty to adhere inflexibly to all its proposals and to insist on carrying them through in the shape in which they were first introduced. A Government is not deprived of opportunities of reconsideration. It is bound to pay attention to the opinions of all the Members of this House, especially to the opinions of those whose confidence it has the honour to possess. It is, however, the duty of a Government when it is fully supplied with information, and has had the advantage of time for reflection, to arrive at convictions deliberately, and, when it has arrived at them, to abide by them. Nor would my hon. Friend, I am sure, think it was compatible with our duty, when we had arrived at certain convictions on a question of this kind, to have concealed them from the House. We have endeavoured to frame our plan fairly and equitably, having regard to the circumstances for which we were called on to provide. I am sure the Committee will not be of opinion that, having come to a deliberate conclusion, we should from day to day have wavered from point to point, the creatures of every passing impression. Let us, then, banish from our minds all idea of threats or menaces, and I for one feel the utmost confidence that the verdict of Parliament will ratify our conclusions, and the strongest hope that when that ratification shall have been given this measure will receive the sanction of the country.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 130; Noes 251: Majority 121.

Clause as amended, *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

SANITARY ACT (1866) AMENDMENT BILL.

On Motion of Dr. Brewer, Bill to amend the twenty-sixth Section of "The Sanitary Act, 1866," relating to the removal of persons sick of Infectious Disorders, and without proper lodging, *ordered* to be brought in by Dr. Brewer and Mr. William Henry Smith.

Bill *presented,* and read the first time. [Bill 189.]

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Friday*, 1*st July*, 1870.

MINUTES.] — *Sat First in Parliament*—The Lord Hawke, after the death of his cousin.

Public Bills—*First Reading*—Passengers Act Amendment * (176).

*Second Reading* — Local Government Supplemental * (150); General Police and Improvement (Scotland) Supplemental * (155); Public Health (Scotland) Supplemental * (154).

*Committee* — Ecclesiastical Titles Act Repeal (105-175).

*Third Reading*—Metropolitan Board of Works (Loans) * (131), and *passed.*

### JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.—MOTION FOR AN ADDRESS.

Lord WESTBURY, in rising to call the attention of their Lordships to the state of the appellate business before the Judicial Committee of the Privy Council, said, that this was a question which involved no technicalities of the law, but one which their Lordships would easily appreciate; and it was one in which he was confident their Lordships would take interest, because it approached that which was the first object of all civilized government, the duty of providing for the effectual administration of justice. But before he entered into the details of his statement he would first explain the origin of the jurisdiction of the Privy Council, and its present extent and importance. All were aware that the ordinary Courts of Justice of the Kingdom—the Courts of Chancery, the Queen's Bench, the Common Pleas, and others—though some of them had power under recent Acts of Parliament of serving process abroad, had no jurisdiction beyond the limits of the United Kingdom—not even over the Channel Islands—and the whole of our immense Empire—all our vast territorial possessions, our Colonies and dependencies—look, as far as the administration of justice was concerned, to the Prerogative of the Crown. It was the right of the Crown to establish Courts of Justice in all our territories; and though the exercise of that prerogative had sometimes been restricted by special Acts of Parliament, all those Acts reserved to the Sovereign in Council the ultimate appellate jurisdiction. Thus for India, Canada, Australia, New Zealand, our American settlements, and every foreign possession, and even those foreign countries in which Consular Courts had been established by treaty—in all these the final determination of causes rested with the Queen in Council. The importance, therefore, of the constitution of a tribunal exercising jurisdiction over such immense territories and so many millions of people could not be over-estimated. The effectual discharge of its duties concerned the honour of the Crown and the dignity of the nation. Now, within the last 20 years the amount of business coming before the Judicial Committee of the Privy Council had been augmented ten-fold. Originally very few appeals came for the decision of the Queen in Council, but a vast number now came from India and a great many from our various Colonies, and they were likely to increase with the increase of our wealth and commercial relations. In proportion to that increase of our national expansion was the necessity of establishing a final tribunal to check the local Courts and to provide effectually for the administration of justice on well-known principles in every part of our Empire. He was happy to say that there was ample evidence that through the whole of our Colonial Empire the value of this final tribunal was so greatly appreciated that the inhabitants of the various Colonies held it in the greatest respect, and had the utmost confidence that any error or excess on the part of their local jurisdictions would be readily corrected by a resort to it. Indeed, the existence of this great tribunal and the necessity of resorting to it from all countries formed a great bond of union between the mother country and our colonial Empire. Their Lordships would judge of the imperfect manner in which our duty in this respect was performed when he told them what was the condition at this time of the business before the Judicial Committee. From Returns dated the 17th June last he found that the appeals now waiting to be heard before the Committee were no less than 370. He found, also, from Returns that he had received, that there were at the present moment from Bengal appeals preparing for presentation which amounted to 150 more. Now, the appeals which came from India raised questions of the most complicated and interesting character. The law administered in India was most difficult to understand. There were two great codes or divisions of the law—the Hindoo and the Mussulman. The Hindoo had at least five different schools, and the Mussulman code was also exceedingly difficult to understand and to administer with certainty. But beyond this there was this peculiarity, that both the Hindoo and the Mahomedan laws were founded in great measure upon their religions and their religious usages, which the people adhered to he would not say with bigotry, but with such pertinacity that they would rather part with anything than have any of their religious usages in the smallest degree impaired or violated. Hence the administration of a law founded upon these religious institutions and observances was a most difficult duty, the neglect of which or the intrusting it to incompetent or inexperienced hands might influence the people in a manner the consequences of which might be most momentous. The peculiarity, too, of the Native mind was manifested in another particular. The people would have no confidence in our tribunal if it was constituted solely of Judges taken from their own Courts. He felt confident that no tribunal would give satisfaction in India unless it were partly constituted of those judicial authorities here to whom we and they alike were accustomed to look up to with respect. They desired to have Judges who had been among them, controlled and guided by the most eminent judicial authorities at home. Now, of these 350 appeals 267 were from India, including Ceylon and the Punjaub. Deducting one-fourth, both of the 267 and of the 150 others in preparation, as the proportion likely to be dropped or abandoned, 300 appeals were waiting to be heard from India alone. This was a serious prospect, for he had found, having some experience in hearing these appeals, that one appeal seldom lasted less than an entire day, many occupying longer; so that India alone would find occupation for a Court sitting throughout the judicial year of 140 days for more than two years to come. To these were to be added the appeals from other portions of our Colonial Empire, and those from the Ecclesiastical Courts, and from the Admiralty Courts. Now the appeals as they stood on the 17th June last from the rest of our colonial Empire amounted to about 90 in number, including therein the Admiralty and Ecclesiastical appeals. Of these 90 some of them might not take any great length of time; but the shortness of these would be abundantly compensated by the great length of time that would be required for determining ecclesiastical appeals, which had of late greatly increased in number. To this business, therefore, less than another year could not be assigned. Thus there were materials for the occupation of the Court for more than three years. The consequence of this block, and of the inability of the Court to deal with new appeals as promptly as the proper administration of justice would require was that a premium was given to every litigant who could afford to give security for £400 to enter an appeal in any case in which he might have been defeated, for the purpose of delaying or wearing out his adversary through the time and expense consumed in the litigation. The amount of property involved in these appeals was several millions in value. That this state of things should have arisen, or should be allowed to continue, was surely a national disgrace. There were, however, circumstances accidental and altogether beyond control which had, to some extent, led to the present state of business before the appellate tribunal. Illness had deprived the Judicial Committee of many efficient members, and death had lately deprived it of probably its most efficient Member, Lord Kingsdown. It was necessary to supply these losses by the appointment of Judges who would command the respect and willing submission of the various communities who looked up to the Judicial Committee for final decisions. It would be impossible to invoke the aid of this House in disposing of any of these arrears; for the Colonies would not endure to have their cases heard before this House—they would regard it as unconstitutional, for they had been accustomed to refer to the Prerogative of the Crown, and upon that they placed their reliance. His noble and learned Friend on the Woolsack had proposed the creation of a new appellate jurisdiction in connection with the High Court of Justice; but he (Lord Westbury) feared that Bill might not be successful in "another place." It proposed a new Court, consisting of the Lord Chancellor, the Lord Chief Justice, four Justices of Appeals, four Lords Justices, and an addition from time to time of three Puisne Judges from the other Courts. But a prompt remedy was required—because things had been in their present condition for a considerable time. He would press the Government to create at once those additional Judges of Appeal and add them to the Judicial Committee, which could then be divided into two sections, one sitting every day throughout the legal year, and attending exclusively to Indian business, the other devoting itself to the remaining business. This was the only way he saw of clearing off the arrears — he hoped, in two years. He must, however, warn his noble and learned Friend that, to find efficient men, he must offer much larger salaries than he proposed in his Bill. He must tell him, indeed, in vulgar phrase, that it would not do to have a "cheap and nasty" article for this purpose. The Court must consist of men commanding general respect and submission. He found by a former Return that the Judicial Committee had now before it an untouched arrear of cases for at least four years, one appeal only having been heard from a decree delivered in 1866, and none from decrees delivered in 1867, 1868, or 1869, and there was still a crop of appeals springing up which would require to be heard. On a question so closely affecting the national honour and the welfare of our colonial Empire, he hoped the Government would take prompt measures to meet an evil which was universally admitted. He had endeavoured to ascertain whether it was possible to meet it by redressing any mismanagement or maladministration in the local Courts, especially in India; but he saw no possibility of making any change there which would diminish the amount of appellate business. The Courts in India underwent a great change in 1862; but at Calcutta alone there were, at least, 16 Courts in the full discharge of their duty, from any of whose decrees appeals might be brought. Of late years, undoubtedly, care had been taken to improve the position of the Judges in India, and we might hope that hereafter there would be a greater disposition to be satisfied with their decisions; but this would be more than counterbalanced by the progress of commercial activity and wealth, especially in the Central Provinces, Oude, and the Punjaub, and the North-western Provinces, which would entail a corresponding amount of litigation. He saw no means of fulfilling our obligations in this matter, except by constituting two divisions, and enabling them to sit throughout the legal year. At present, the Judicial Committee sat only a portion of the legal year, through its not being provided with a regular staff of Judges, and these arrears had consequently arisen. He trusted that his noble and learned Friend (the Lord Chancellor) and the Government would not endeavour to meet the evil by patching and tinkering measures; but that they would make satisfactory provision not only for the present pressure, but for the future, in a manner becoming the honour of the Crown and dignity of the nation.

*Moved*, "That an humble Address be presented to Her Majesty praying that immediate provision may be made for the more rapid despatch of business before the Judicial Committee."—(*The Lord Westbury.*)

THE LORD CHANCELLOR said, their Lordships must feel greatly indebted to his noble and learned Friend (Lord Westbury) for calling attention to a subject which, he assured him, had not escaped the attention of the Government—for it was a subject which it was desirable should be carefully and immediately considered. Early this year he was first apprised of the state of Indian appeals, which was shown to be most unsatisfactory, though, as he would point out presently, not exactly so bad as described by his noble and learned Friend. Before the present Notice appeared on the Paper he had considered the best mode of meeting the difficulties connected with the constitution of the Judicial Committee, and had given instructions for the preparation of a Bill which he hoped shortly to submit to their Lordships. Indeed, the same idea occurred to him as to his noble and learned Friend — that of strengthening the existing Judicial Committee, and dividing it into two sections, which might be sitting at the same time. The constitution of the Judicial Committee, though by no means the least of the results of Lord Brougham's zeal in legal reforms, was not altogether that which practice had shown to be most desirable. It consisted of the Lord Chancellor and all the Judges of our higher Courts who were Privy Councillors — these being usually the chiefs of the three Common Law Courts—the Lords Justices of Appeal, the Master of the Rolls, and the Judges of the Divorce and Admiralty Courts if, as was usual, they were Privy Councillors. The consequence of this constitution of the Court was, that as most of these persons were engaged in other judicial duties, requiring all but their constant attendance, they had little leisure for attendance on the Judicial Committee, and it was therefore by no means easy to secure a quorum. To that section of Lord Brougham's Act which provided that retired English Judges, being Privy Councillors, should be members of the Committee they were indebted for some of its regular and able attendants. Of late years, however, from increasing age and infirmities some of these members had withdrawn from the working staff of the tribunal. The only means provided by the Act of reinforcing the Committee was the power given to the Crown by Sign Manual to appoint two members, and the two thus appointed had been very assiduous in attendance. One of them, Sir James Colvile, formerly Chief Justice of Calcutta, was a constant and eminent attendant, he having last year sat 74 days—19 days more than any other member. The other was Sir Joseph Napier, who attended 55 times. His noble and learned Friend (Lord Chelmsford) attended 44 times, though at the same time he was most constant in his attendance at the Appeal Sittings of this House. The limitation in the number of members to be appointed by the Crown was most unnecessary, and he thought it advisable that, in addition to retired Indian Judges, Her Majesty should have unlimited power to appoint any Judge who had performed eminent service, either in the Colonies or at home, to be members of the Committee. He also thought that power should be given to appoint distinguished barristers who had retired from practice. To this he looked forward as likely to furnish several eminent members. Perhaps the most eminent man who had sat on the Committee since its formation was Lord Kingsdown, who had never, theretofore, held any judicial position, and he would afford a satisfactory precedent, if any were required. Thus, by abolishing the restriction both as to number and as to the having previously filled a judicial position he saw no difficulty in constituting a Committee which could divide itself into two sections. Without desiring to deny or palliate the arrears in Indian cases, he felt it right to mention that they were largely attributable to the dilatoriness which characterized the proceedings in India, and the necessity of transcripts — namely, translations of all the evidence and documents used in the case—being sent over from India prior to the hearing of an appeal. This was always a source of difficulty and delay. An intelligent officer of the Judicial Committee had informed him that the non-arrival of the transcripts was one great cause of no appeal later than 1866 having been heard. The transcripts for the last two years had not yet arrived; and even when they did arrive there was considerable difficulty in forcing the cases on for hearing, for out of the 250 provided with transcripts only 37 were set down to be heard, 11 of these being set down *ex parte*. This meant that only one party would appear at the hearing—a circumstance which would not necessarily make the proceedings short, as the Committee, when only one side appeared, were specially anxious to see that justice was done. He was bound, however, to add that a larger number would have been set down had not these 37 been already down, which seemed as many as were likely to be got through in the current year. Still, there was wonderful dilatoriness in bringing these matters to a hearing. Considering that only 37 Indian and 20 other cases were set down for hearing, though the business in arrear was so large in amount, yet he did not regard it as alarming. He concurred with his noble and learned Friend's hope that steps would be taken in India which would diminish the appeals. He had learnt from Sir Barnes Peacock, an eminent Judge who had just returned from India, that at Calcutta only such passages of the evidence given and documents used in the lower Courts as the parties might desire to interpret came before the Supreme Court; so that, with such partial information, one could not wonder at appeals being numerous, and at the decisions of the Court being sometimes reversed. Considerable alteration and revision were, therefore, called for in India. Before he sat down he wished to make an explanation with regard to the position of business in the Court of Chancery as regarded the appointment of a new Lord Justice. In August last they had the misfortune to lose a Lord Justice of great eminence (Lord Justice Giffard); but at that time, having in contemplation the Bill which was now before the other House, he did not think it right that the office should be filled up while there was uncertainty as to what would be done as regarded the constitution of the new Courts; and there appeared no necessity for making an appointment, because at Michaelmas Term only 33 appeals remained to be heard, and they were of the most recent date. At the commencement of 1868, when the noble and learned Lord who preceded him on the Woolsack (Lord Cairns) occupied the position of Lord Chancellor, there were arrears of 90 appeals; but, before the Long Vacation, he had disposed of 133 appeals, including appeals that had newly arisen, leaving only 33 undisposed of. It seemed to him, therefore, that, with the assistance of his Friend Lord Justice Giffard, he (the Lord Chancellor) would be quite able to keep down the appeals. He was happy to say that he had not been disappointed in that expectation; for, notwithstanding the illness of Lord Justice Giffard, coupled with other adverse circumstances, the appeals in arrear at the present moment were only 46 in number, the latest dating not quite four months ago—namely, the 9th of March last. Of course, as Lord Justice Giffard was not now able to attend, it had become necessary to appoint another Lord Justice, which carried with it an addition to the strength of the Judicial Committee. He had no doubt that, when the alterations had been made, to effect which a Bill had been prepared, they would be able to constitute such a Judicial Committee of the Privy Council as would keep down the arrears. Those arrears, although discreditable, were not so formidable as his noble and learned Friend (Lord Westbury) seemed to think; and he trusted their Lordships would not feel it necessary to concur in the Motion for a Commission of Inquiry.

Lord ROMILLY regretted to find, from the general tone of his noble and learned Friend's speech, that he proposed merely to patch up the existing system. In order to administer justice satisfactorily it was necessary that confidence should be felt equally in the primary Court and the appellate Court, and both must have a proper force of officers. Not one of the Judges on the Judicial Committee received a penny for his services. They could not expect to have an efficient tribunal unless there were Judges attached to it, whose duty it was to preside there, without attending any other Court, and in receipt of liberal salaries. Lord Kingsdown was an exceptional instance, for he had a large fortune and took a great interest in the administration of justice, and devoted himself to it for many years gratuitously; but the members of the Judicial Committee were mostly persons who attended by snatches from their ordinary engagements, or returned Judges who were anxious to go into retirement. He had himself been called on to attend for a few days every year; but he could only do so by taking some days which ought to be devoted to the preparation of judgments, or days when he ought to be sitting in his own Court. Sir James Colvile, of whom all must speak with praise, had been performing the functions of Chief Judge in India for many years, and had returned home, entitled to retire on his pension and reputation. Instead of doing so he gave his services to the hearing of Indian appeals gratuitously, and without any obligation of any kind to give his attendance. He (Lord Romilly) must say that it was not desirable to appoint to the Judicial Committee Judges who had retired because they had felt themselves too infirm to perform the duties of their office. They ought rather to put in young blood and new blood, and to pay well those whom they appointed. With respect to the appellate tribunal in India, the Supreme Court of Calcutta, it was a remarkable circumstance that, when a cause was referred to them on appeal, the documents which had been before the primary Court were not put in in full or translations, but only so much as the parties thought expedient. It was no wonder, then, that that Court, not having before it the evidence on which it could give a well-considered decision, should frequently fail in its decrees, and so give rise to the numerous appeals that came from India. That the Supreme Court had not the confidence of the public there was shown by the fact that, since 1862, the appeals from it had increased enormously, upwards of 600 having come from that Court alone in 7½ years; while, from the rest of India and in our other dependencies, there had been no material increase. This was not the fault of the Court or of the Judges, but because, as he had already shown, they had not the full circumstances of the case before them. Additional Judges were wanted there, and a greater power of obtaining documents. He concurred in the recommendation of his noble and learned Friend (Lord Westbury) that a Court should be constituted specially for these appeals, with proper salaries, with the addition of as many retired Judges as might be thought fit. Appeals were at present limited, on account of the delay and expense involved, to cases where the property in dispute exceeded £1,000 in value; so that whatever injustice might be done in minor cases there was no appeal. Security for costs to the extent of £400 had also to be given. With regard to the statement that there were only 37 appeals set down for hearing, if these were disposed of to-morrow the remaining 195, in which the transcripts had been sent over, would rapidly be brought on; but the parties did not think it necessary to employ counsel and deliver the brief until there was a prospect of an early hearing. He trusted that the Government would grapple with the evil in an energetic manner.

VISCOUNT HALIFAX said, he was sorry to hear that the delay in the Indian judicial business was so great. The circumstance had been attributed to the inadequate number of Judges in the High Court at Calcutta, and to the fact that the proper translations or transcripts of the cases before the local Indian Courts were not obtainable by the High Court. He was Secretary of State for India at the time the Act constituting that Court was passed, and all he could say was that the Judges of the High Court ought to have the power of sending for any documents which they might require. The only complaint made at the time was that the number of Judges appointed would be too large rather than too small.

LORD CAIRNS said, he rejoiced very much that this question had been brought before their Lordships, because there was great danger that some misapprehension might arise with reference to the state of business before the Judicial Committee. The business that came before that Court did not directly concern the subjects of the Queen at home, but those only who dwelt in India and the Colonies; and, as in most matters affecting those at a distance, we in England were apt to overlook the evils which other people suffered. Were our own Courts in the same state as those in which Indian cases were determined—if there were an arrear in one appellate Court of 350 cases—the force of public opinion would be so great as to compel the Government to take steps within 24 hours to remedy the evil; but there was danger of our treating lightly the grievances of those who had no voice in forming public opinion in this country, and in that way a feeling might be generated in the Colonies which we should have cause to regret. The matter was of the more importance because, owing to the line which our colonial policy had taken during late years—as to the propriety of which he should not then attempt to give an opinion — it had come to pass that one of the most real and tangible points of connection between the mother country and the Colonies remaining unsevered was the right of the Colonies to bring their judicial proceedings by way of review before Her Majesty in Council; and that was a right which was deeply appreciated by the Colonies at present, and which they would be sorry to surrender, but which they would be bound to surrender if they believed that it had become a mockery and a delusion. He had not the least doubt that the bare statistical fact as to the number of appeals in arrear, as stated by his noble and learned Friend the Lord Chancellor, was strictly accurate; but the House must not deceive themselves about the matter. The question was not so much what the suitors in the appeals which had been mentioned felt or whether they were themselves chargeable with negligence and delay, but whether a much greater evil might not arise. The mischief was, that when the number of appeals in the Judicial Council amounted to 100 or 150, and it was known that in ordinary course the arrears could not be wiped out in less than a year or two, no matter by whose fault those arrears had accumulated, and that therefore there was a solid barrier interposed to the progress of further cases which might be coming forward—when once a certainty existed that no fresh appeal could be heard for some years a premium was offered to unsuccessful suitors in the Indian Courts to appeal, because, taking into consideration the high rate of interest in India, it became worth while, as a mere commercial speculation, to delay the payment of the money for two or three years by appealing to the Privy Council, even if it had to be paid eventually. With the amount of arrears that at present existed there was practically no appeal whatever from the Indian Courts to the Privy Council, and there could be no doubt that some of those who might think that they had good grounds for appealing chose to suffer wrong rather than subject themselves for so long to uncertainty, and that others who had been unsuccessful in litigation took the dishonest course he had referred to, because they knew they could by so doing delay payment for an indefinite period. He had heard that night for the first time the suggestion of the noble and learned Lord on the Woolsack that the Judicial Committee of the Privy Council should be divided into two Courts, with the view of enabling the arrears to be wiped out. He should be glad if any means could be adopted by which the arrears might be cleared off; but he hoped that his noble and learned Friend would consider well, before he attempted to carry his suggestion into effect, whether that method was the best that could be proposed — whether that aim could not be much better accomplished by strengthening the Judicial Committee. In his opinion there was great danger of creating by that means two weak Courts in the place of one strong tribunal. It must also be borne in mind that the number of counsel who had devoted themselves to the study of Indian law before the Privy Council was extremely limited, and that therefore great mischief might result from the division of the business, because counsel would be unable to be in two places at once. He cordially agreed with the remark that it would be a great evil if the decisions of the Privy Council came to be looked upon with less respect than they now obtained; and therefore he ventured to put it to the noble and learned Lord on the Woolsack and to Her Majesty's Government, whether it would not be a more desirable course, instead of dividing the Judicial Committee of the Privy Council into two branches, if they were to strengthen the existing tribunal as much as they could by making it worth the while of those who now formed it to sit constantly like any other Court, instead of merely sitting as they now did for a few weeks in each year. He could only reiterate what had been said of the retired Indian Judges. Those public men, like Sir James Colvile and Sir Lawrence Peel, who had earned hardly their very moderate pensions by their service in India, had a perfect right to say that they had returned home to this country after years of labour for rest and ease, and that they did not choose to resume their labours in the Privy Council. They were, therefore, entitled to the highest praise and to the thanks of the country for serving on the Judicial Committee without any kind of compensation being awarded them. But by strengthening the Judicial Committee by such men as these, and by giving salaries adequate to induce unintermitting diligence he believed they might clear off all these arrears in two years.

Lord BROUGHAM observed that at the time when the late Lord Brougham was turning the subject of the appellate jurisdiction for India in his mind, he had urged upon him the necessity for having a paid Court of Appeal. In answer to that suggestion, Lord Brougham, alluding to the then Chancellor of the Exchequer, said—"What will Althorp say? He will never consent to stand £15,000 or £20,000 a year to pay the members of the Privy Council. The appellate Court must be framed upon the model of the House of Lords, the Judges in which are volunteers; and the Court must be constituted out of the retired Judges, retired Chancellors, and retired Indian Judges," as had actually been the case. He urged upon his brother that he greatly distrusted the value of eleemosynary work, which was never satisfactory. Answering his suggestions on this point, his brother said—"We will give it a trial. If afterwards the business increases, it will then be time to come to Parliament and ask it to pay the Judges." In his opinion the time had now arrived when that change had become necessary, and he trusted that the noble and learned Lord on the Woolsack would take the matter into his consideration.

LORD WESTBURY said, he was not satisfied with what had fallen from the noble and learned Lord on the Woolsack; he wanted his noble and learned Friend to say something definite, to give him a distinct promise that immediate action would be taken in this matter. Would his noble and learned Friend engage to bring forward a Bill to remove the obstacles he had pointed out? It was never too late to provide means for the administration of justice; but if the only answer now made to suitors having cases hung up in Court was—"Wait patiently," their reply would be —"We have waited patiently for four years." He should be very sorry to do anything that would look like opposition to Her Majesty's Government; but, unless he received more definite promise of immediate action on their part, he must frankly say he should be compelled to trouble their Lordships to divide for the purpose of ascertaining who were persuaded of the necessity, the obligation, and the duty of providing more effectually for the administration of justice. The subject had been deferred too long, and it was high time that something should be done of a definite character. His noble and learned Friend on the Woolsack said there were only 37 appeals waiting for hearing, and that that number was not very formidable. He begged to point out that his noble and learned Friend appeared to be under a misapprehension, inasmuch as he had not taken into account the fact that there were as many as 250 appeals from India alone, or at any rate the transcripts of the records for that number of cases had already been transmitted, and were now lying at the office in readiness for hearing. The number on the paper was 37; but solicitors would not enter for hearing appeals which there was no probability of getting heard, because when they did so large sums of money had to be paid with briefs, and so forth. The parties to no fewer than 260 appeals were at present debarred from obtaining justice. The evil was a crying one, and it ought not to be trifled with or delayed. He did not accuse his noble and learned Friend on the Woolsack of either trifling with or delaying it; but he thought the Government ought to give a promise of immediate relief. With regard to the remarks of his noble and learned Friend opposite, he wished to observe that his suggestion for a division of the Court was only a temporary expedient, intended to last until the arrears were cleared of. He proposed that there should be a sub-division, and that the Indian appeals should be taken by one sub-division. For that there was at present sufficient judicial power, and there was also a sufficient number of barristers ready and willing to attend the Court. Meanwhile he would be content with a definite promise from the Government, and in that case would not ask their Lordships to divide upon the question.

LORD DENMAN said, that it was very desirable that Her Majesty should have the power of increasing the Judicial Committee of the Privy Council, and if it were necessary, he felt sure, that in "another place," a sufficient income would be found for those who sat upon appeals; but he thought, that as in the case of retired Ministers, those who were to be paid should declare that their private income was not sufficient to enable them to bear the expenses of their station. The first Earl of Eldon, in 1823 as to other appeals, had said, that in the case of any future Chancellor—although the retiring pension was then only £4,000 a year — the Minister should make his attendance a condition of his pension; but that noble Earl retired at the age of 76, and for 11 years never attended any case of appeal in the House of Lords. He (Lord Denman) believed it was the duty of the Lord President of the Council to constitute a sufficient Court of Appeal. He had been told by Sir Barnes Peacock, that before the fusion of the Native Court with the Supreme Court, original causes were four years in being heard, but that latterly only three weeks elapsed between the commencement and the decision — the delay, therefore, was only in the Court of Appeal. With regard to the length of the documents they were probably copied at greater length for the Court of Appeal, because, being fully understood in the Supreme

Court, it was not needful to transcribe them at great length. He thought that with regard to the Members of the Committee, honour was far better than profit.

The LORD CHANCELLOR said, he was anxious to explain that he had given what he intended to be understood as a promise on the part of the Government. He had said that in a few days he would introduce a Bill by which they proposed to remedy the evil. That Bill was in course of preparation; and, such being the case, he thought it would hardly be necessary for him to enter into the details of the measure at present. He begged to explain also that, in the division of business, his idea was not to have two divisions of the Court, both hearing Indian appeals. His idea was to have one division hearing appeals from India, the other appeals from the Admiralty and Ecclesiastical Courts, or any other appeals that might come before the Committee. The same set of counsel did not usually attend to those two classes of cases. He did not think he had shown himself remiss in this matter. He had not had the honour of holding his present Office four years, and he was not aware that the subject had been mooted by any of his predecessors on the Woolsack.

The DUKE OF ARGYLL said, certain facts had come before him which led him to believe that steps might be taken which would have the effect of limiting the number of appeals from India. Accordingly, he had communicated with the Government of India with the view of effecting that object. He confessed that he was quite unable to understand why the Supreme Court of Calcutta could not have the same information before it as that furnished to the Privy Council; nor could he see how similar decisions could be expected on two different sets of documents. He believed the only difficulty in the way of supplying the Supreme Court with all the documents arose from the expense of translating documents used before the district Courts.

LORD WESTBURY said, that after the statement of his noble and learned Friend on the Woolsack he would not press his Motion.

Motion (by Leave of the House) *withdrawn.*

*Lord Denman*

## ECCLESIASTICAL TITLES ACT REPEAL BILL—(No. 105.)

(*The Lord Privy Seal.*)

### COMMITTEE.

House in Committee (according to Order).

On Question, That the Preamble be agreed to,

LORD CAIRNS said, that in consequence of the legislation of last year with reference to the Irish Church, the Government had made a promise of proposing legislation on the subject of the Ecclesiastical Titles Act. He admitted that, as the Irish Church had ceased to be an Established Church, it was absolutely necessary that something should be done in this matter; but, if it had not been for the Act of last year, it would have been better to leave the Ecclesiastical Titles Act alone. As, however, it was necessary to do something, he did not object to its being done. But he had a proposition to make in connection with the Bill which he hoped their Lordships would not think an unreasonable one. If they were to repeal the whole of the Ecclesiastical Titles Act, without carefully explaining that the declaration contained in it, either inferentially or positively, as to the state of the common and general law of England were not meant to be departed from, they might give rise to serious misapprehension out-of-doors, where it might be thought that Parliament had changed its mind with regard to the truth and propriety of those declarations. In repealing the Penalty Clauses of the Ecclesiastical Titles Act, therefore, they ought to be very cautious not to fall into that danger, and to show on the face of their legislation that the declaration which accompanied those penalties in that Act were well founded and still continued in full force. He wished to preserve all that was valuable in the substance of the declaration embodied in that Act, and while removing penalties imposed on the use of ecclesiastical titles which were intended merely as titles of office, and not as titles of authority, honour, or dignity, still to maintain the established law of this country, which was to the effect that all titles of dignity, honour, and authority flowed from the Sovereign alone, and that it was not in the power of any person other than the Sovereign of these realms to confer such titles.

Amendment *moved*, in page 1, line 5, to leave out from "certain" to "although" in line 28, and insert—

"Enactments were made prohibiting under penalties the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory, or dean of any pretended deanery in England or Ireland not being the see, province, or diocese of an archbishop or bishop, or deanery of any dean recognized by law; and whereas no ecclesiastical title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, place, or territory within this realm can be validly created, assumed, or used, nor can any see, province, diocese, or deanery be created, nor any coercive power or pre-eminence in reference thereto be conferred otherwise than under the authority and by the favour of her Majesty, her heirs and successors, and according to the laws of this realm; and any title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, place, or territory within this realm attempted to be created, assumed, or used, and any see, province, diocese, or deanery attempted to be created, and any coercive power or pre-eminence in reference thereto attempted to be conferred under colour of any alleged authority out of this realm, or of any alleged authority within this realm, not being the authority of Her Majesty, her heirs and successors, and of the laws of this realm, is and ought to be taken to be unlawful and void; and it is expedient to substitute a declaration to that effect for the Act fourteen and fifteen Victoria, chapter sixty, in order that the use by ministers of religion of various denominations of designations regarded as titles of office merely."—(*The Lord Cairns*).

THE EARL OF KIMBERLEY said, that the object of the Government, in preparing the Bill, was precisely in accordance with what had just been stated by the noble and learned Lord opposite; and he did not think they should have any occasion to quarrel about the words used for carrying out that object. In repealing the penalties of the Ecclesiastical Titles Act they ought not to invalidate the declarations made in that Act, as to the law of the land at the time when it was passed: he should, however, feel some reluctance in consenting to the re-enactment of those declarations in a somewhat stronger form than the necessity of the case perhaps required, and he should prefer the form in which it was done in the Bill. He was, however, content to accept the words of the Amendment proposed by the noble and learned Lord in the Preamble, but not those he proposed to insert in the enacting part of the Bill. Instead of the word "unlawful" in the first clause, as proposed by the noble and learned Lord, he thought it would be better to substitute "invalid, void, and of no effect to all intents and purposes."

The Preamble was then amended by inserting instead of "unlawful and void" the words "invalid, void, and of no effect" and *agreed to.*

Then the Clauses 1 and 2 *struck out*, and clauses as proposed by the Lord Cairns amended and *agreed to*:—

"1. That no ecclesiastical title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, place, or territory within this realm, can be validly created, assumed, or used, nor can any see, province, diocese, or deanery be created, nor can any coercive power or pre-eminence be conferred in respect thereto, otherwise than under the authority and by the favour of Her Majesty, her heirs and successors, and according to the laws of this realm; and any title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, place, or territory within this realm attempted to be created, assumed, or used; and any see, province, diocese, or deanery attempted to be created, and any coercive power or pre-eminence in reference thereto attempted to be conferred by or under colour of any alleged authority out of this realm or any alleged authority within this realm, not being the authority of Her Majesty, her heirs and successors, and of the laws of this realm, is and ought to be taken to be unlawful and void.

"2. That the said Act of the Session of Parliament held in the 14th and 15th years of the reign of Her Majesty, cap. 60, shall be and the same is hereby repealed."

The Report of the Amendments to be received on *Monday* next: and Bill to be *printed*, as amended. (No. 175.)

## IRELAND—DISTURBANCES AT CORK.

### QUESTION.

THE DUKE OF BUCKINGHAM asked Her Majesty's Government, Whether the statements which had appeared in the public prints concerning the state of the city of Cork are correct; and whether the measures taken by the authorities have proved sufficient to secure the protection of the persons and property of the inhabitants?

EARL SPENCER said, it was true that during the last few days some disturbances had broken out in the city of Cork; but he did not think his noble Friend could expect from him any detailed account of what had taken place. He could simply state that a strike occurred among the tailors of that city, and that while considerable crowds of the unemployed paraded the city, the opportunity was seized by the evil-disposed in the place to commit acts of riot. He was happy to say that the riots had now ceased. The Irish Government, on hearing the report of the disturbances, sent down a large increase of constabulary to aid the local force. On the 27th and 28th ultimo, as many as 150 extra constabulary were despatched to Cork: and he had no doubt that the force of constabulary, combined with the military stationed in the place, would be amply sufficient to meet any emergency which might arise. He had received a telegram that day from Cork, stating that the city was quiet, that the people on strike were returning to work, that the excitement was subsiding, and that every precaution had been taken to stop intimidation and prevent disorder. He need not assure his noble Friend and the House that the Irish Government would use every effort to protect property and restore tranquillity and order.

The Marquess of CLANRICARDE said, that no blame could be thrown on the Irish Government for the disturbances in Cork; but all accounts, both private and public, showed that the Mayor of that city, who was the principal authority there, was greatly to blame. It would be well, as the municipal authorities of that town, on more than one occasion, seemed to have been sadly deficient in repressing disorder, that they should know that they could be proceeded against by indictment for default in the execution of their duty. The law had been expressly laid down by the Judges of the land in the case of the Bristol riots, which were much more formidable than any that had occurred in Cork, that proceedings could be taken by indictment or information in the King's Bench against the Mayor, if he had not shown proper activity in the performance of the duty he had assumed.

## PASSENGERS ACT AMENDMENT BILL [H.L.]

A Bill to authorize the carriage of Naval and Military Stores in passenger ships—Was *presented* by The Earl Granville; read 1ª. (No. 176.)

House adjourned at Seven o'clock, to Monday next, Eleven o'clock.

# HOUSE OF COMMONS,

*Friday, 1st July, 1870.*

MINUTES.] — Public Bills — *Resolutions* [June 30] *reported*—New Zealand Loan (Guarantee)*.

*Ordered—First Reading*—New Zealand (Guarantee of Loan)* [190].

*Second Reading*—East India Contracts* [186].

*Committee* — Elementary Education (*re-comm.*) [167]—R.P.

*Withdrawn* — Municipal Franchise (Ireland)* [176].

The House met at Two of the clock.

## CASE OF THE WELSH FASTING GIRL. QUESTION.

Mr. JONES said, he wished to ask the Secretary to the Treasury, On what principle a larger scale of costs was allowed in the "Sarah Jacob," the Welsh fasting girl case, than is paid or allowed to witnesses in other prosecutions; and, why it was considered necessary to employ counsel to conduct the preliminary investigations instead of "the local agent" mentioned in the Return?

Mr. STANSFELD said, in reply, that the larger and more liberal scale of costs allowed in the inquiry into the case of the Welsh fasting girl arose from the fact that the inquiry was conducted by the Treasury Solicitor, and the rule was that in inquiries of that kind, so conducted on the part of the Treasury or the Home Office, the scale of costs adopted was different to the scale usually adopted in the case of ordinary prosecutions. In these cases, also, it was a matter within the discretion of the Treasury Solicitor whether to employ counsel in the preliminary investigation or not. Looking to the difficulty of the law involved in the case, to the peculiar nature of the case, to the great public interest excited in it, and to the strong local feeling which it aroused, the Treasury Solicitor, in the exercise of his discretion, thought he was fully entitled to employ counsel in conducting the preliminary investigation.

## NAVY—COAL FOR THE ADMIRALTY. QUESTION.

Sir JOHN HAY said, he wished to ask the Secretary to the Admiralty, How many tons of coal have been purchased for the Admiralty since the appointment of the Buyer, and what sum has been paid to the Buyer for his services as salary and as percentage?

MR. BAXTER: Sir, I have to state, in reply to my hon. and gallant Friend, that 188,888 tons of coal have been purchased for the Admiralty during the past financial year since the appointment of the buyer, and during that period a sum of £1,695 has been paid to him as commission for assisting in purchasing, for viewing cargoes in South Wales and the North of England, and for inspecting and reporting upon the coaling arrangements, not only at all the dockyards, but at Portland, Milford Haven, and other places where there are depôts, some of which arrangements were found to be very defective. Deducting this commission from the profit shown by the coal purchases of the last over the same quantity bought during the previous financial year, there remains a margin of £17,501 14*s.* 3*d.*, being the clear saving in purchasing alone during one year of the present system as compared with the former. A detailed account of this comparative statement has been compiled, and is quite at the service of any hon. Member. We anticipate a further and much larger saving from the mixture of bituminous with anthracite coal.

## MUNICIPAL FRANCHISE (IRELAND) BILL.—QUESTION.

SIR FREDERICK W. HEYGATE said, he would beg to ask the hon. Member for Belfast, Whether he intends to persevere with the Municipal Franchise (Ireland) Bill at this period of the Session?

MR. W. JOHNSTON, in reply, said, he found that he should not have the assistance of the Government in endeavouring to lower the municipal franchise to the level of the Parliamentary rating occupation franchise, and as he was also aware that the Bill would be opposed from his own side of the House, he would state that it was not his intention at that late period of the Session to proceed further with the measure.

## PRESENTATION OF PETITIONS—STANDING ORDERS—IRELAND—WATERFORD ELECTION PETITION.—QUESTION.

MR. MATTHEWS said, he would beg to ask the hon. Member for Walsall, If he will state what authority there is, in the Standing Orders or elsewhere, for the distinction suggested by him on Thursday between cases in which it is, and cases in which it is not, proper to present Petitions in the mode commonly adopted by laying them upon the Table of the House, without openly reading the prayer; whether the Committee of Public Petitions act upon any fixed rule in selecting the Petitions to be presented; and, whether there is any rule that no Petition shall be printed which complains of the manner in which a public servant has discharged his official duties?

MR. C. FORSTER said, in reply, that the hon. Member seemed to desire to put him through a sort of Civil Service examination on the Standing Orders. In answer to the first Question, he could only say that the hon. Gentleman had failed to understand the purport of his remarks yesterday in answer to a Question on the same subject. He had never suggested that there was any authority in the Standing Orders or elsewhere for a distinction in the mode of presenting Petitions to that House. There was only one mode of presentation recognized—that the Petitions should be personally presented by hon. Members in their places;—when the Question was put, "That the Petition do lie on the Table." But in the case of a Petition containing such grave charges on the character of a Judge in the discharge of his judicial duties it would have been more consistent with Parliamentary practice and propriety if the hon. Member, in presenting the Petition, had drawn attention to the allegations which it contained, in order to give an opportunity to any hon. Member to challenge the House on the Question whether the Petition should or should not lie on the Table. It was not the custom of the House to receive Petitions which were disrespectful to the Judges, and he found from the Journals of the House that in February, 1821, a Petition complaining of Mr. Justice Best was put forward, and after a debate and Division was rejected. In this, of all Petitions, there was the least need for departing from the usual rule. As to the second Question, it was always the wish of the Committee on Public Petitions to make their Reports the faithful echoes of the public opinion of the country, by printing those Petitions which required to be brought specially under the notice of the House. The Committee also printed Petitions of individual grievances when necessary. In reply to the third Question, he had to say that there was no such rule as the Question referred to; but there was a rule on which the Committee had acted, and which he as Chairman of the Committee should always do his best to carry out—a rule not to print any Petition which contained libellous matter or attacks on individual character. When the Committee refused to print a Petition it was always competent for any hon. Member to move that it be printed.

Colonel FRENCH said, he would beg to ask Mr. Speaker, If it is competent for the House to decline to receive any Petition which is respectfully worded, and which does not make any demand on the Consolidated Fund?

Mr. SPEAKER ; The Standing Orders relating to Petitions presume, in every case, that a Member presents a Petition, rising in his place and presenting the Petition to the House; and the Question is then put, "That the Petition do lie on the Table." The Standing Orders, therefore, confine themselves to such regulations as will confine Members within certain limits. Hon. Members may state the material allegations of a Petition and read its prayer; but it is the understood form that every Member in presenting a Petition does it publicly in his place; and he cannot do that without stating that it is for or against some Bill or other subject-matter. Where allegations are directed towards individuals, the ordinary course would be for the hon. Member to state material allegations, and to have the Petition read by the Clerk at the Table, and then it would be a question for the House whether the Petition should lie on the Table or not. These are the Standing Orders relating to Petitions.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[Bill 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 30th June.*]

Bill *considered* in Committee.

(In the Committee.)

Clauses 15 and 16 *agreed to.*

Clause 17 (Fees of children).

*Mr. C. Forster*

Mr. DIXON said, he rose to move an Amendment, that children should be "admitted free of payment." He did not expect much support for his proposal then—but he believed that before long the wisdom of it would be generally recognized, and it would be carried out. He assumed that education would in future be compulsory, especially in large towns; and what would be the effect of that if the clause under consideration were adopted? He did not think the Government could be at all aware of the number of children for whom free admission would be claimed. Some time ago the Birmingham Education Aid Society distributed free orders to all children whose parents, without being in the receipt of parish relief, had so small an income as to be below the condition of paupers in the workhouse. Six thousand orders were distributed within a few months; and it was ascertained that there were about 2,000 children whose parents were actually in the receipt of out-door relief, making a total of 8,000. Moreover, the society, on account of the limited character of its funds, did not issue as large a number of orders as a school Board would probably have done under similar circumstances; and he had reason to believe that, under a Board, 10,000 children, at least, would have been admitted free. Let the Committee take into consideration the enormous amount of labour and cost involved in the distribution of 10,000 orders, if there were the requisite care and discrimination. That, however, was not all. There were, no doubt, a large number of additional parents whose circumstances were precisely similar to those of the parents whose children were admitted free; and there must be a sense of injustice pervading the minds of such persons. In the State of New York the system of free admission and the system of school fees had been tried simultaneously; and the result was that in districts where parents had been called upon to pay a certain proportion of the cost of schooling, there had been great dissatisfaction; and that, after considerable inquiry on the subject, education had been made entirely free. A great deal had been said about the magnificent results which had attended the working of the educational system of Prussia, where the parents paid school fees. The amount of the school-pence in Prussia was extremely small, varying from 1*s*. 6*d*. per annum in the agricultural districts to 5*s*. in the towns. There had been an agitation going on in Prussia for some time for the remission even of that small payment. In a pamphlet published by Professor Geist, of Berlin, who was very well acquainted with the whole subject, it was stated that the sum paid by the parents of the children in the parish schools was about one-third of the whole cost, which was the same proportion as that in England; and it was further remarked that in Berlin 40 per cent of the school-pence was already remitted by the school authorities. It appeared that 13 persons were employed in Berlin in issuing about 30,000 orders for free admission; and that the expense of collecting the 60 per cent of school-fees amounted to one-seventh of the whole sum applied for education. The consequence was that a Commission was appointed to consider the whole question, and it came to a unanimous conclusion that it was advisable entirely to abolish the system of fees. In France some schools were entirely free—but generally school fees were charged to those children whose parents were supposed able to pay them. Some years ago the Minister of Public Instruction was instructed to make inquiries on the subject; and in the report which he presented to the Emperor he met the same arguments as had been urged lately in this country against free education. It having been argued that, if schooling were free, parents would not value it—he said that in France experience had proved the reverse of that, and that it had been found that in schools where education was free the attendance was better than in other schools. The present system in this country was based on no principle whatever. They had heard a great deal about the opposition of free schools to the principle of parental responsibility; and they had also heard it continually remarked that if parents did not pay for the schooling of their children they would not care for it. But what was the present state of things? The schooling of children was believed to cost about 6*d*. per head per week; but parents were only required to pay one-third of the cost; and therefore the principle of parental responsibility, which had been so much dwelt upon, was not carried out—and it could not be, unless parents paid the entire cost of education. What weighed with parents in that matter was not so much the school-pence as the question of the loss of the wages or earnings of their children. If education were free, the poorer classes would no longer be the recipients of the charity of the rich, as regarded education. A great parade had been made during the last twelve months of the fact that the wealthy in this country paid £500,000 a year to assist the education of the poor. But what did that mean? It meant that there were no children in this country who were educated as free citizens of the State—that in that respect the children of the working-classes were the object of the charity of their neighbours, and that they were trained in early life to look upon charity as a matter of course.

Amendment proposed, in page 6, line 12, to leave out from the word "shall" to the end of the Clause, in order to insert the words "be admitted free of payment."—(*Mr. Dixon.*)

LORD ROBERT MONTAGU said, the object which the hon. Member (Mr. Dixon) professed to have in view was that those who were stricken by poverty should not be the recipients of the charity of the rich. Well, but the effect of the Amendment, if carried, would be that not only the children of those afflicted with poverty, but all the other children—the children of affluent parents who resorted to these schools, would be the recipients of aid out of the rates. The first effect of this would be that the rates, which pressed heavily on the poor, would immediately be trebled. He was rather inclined to congratulate the hon. Member on his recent conversion. Until now it had been supposed that they (the Opposition) alone were trying to favour the denominational schools; but, if this Amendment were carried, which school, he should like to ask, would be the most popular in a parish?—the school whose expenses were partly covered by grants and partly by subscriptions from the rich and in small part only by school fees; or the school, half the expense of which was to be met by a Parliamentary Grant and the other half to be paid out of the rates? He had spoken to working men on this subject, and he was convinced that the proposal of the hon. Member for Birmingham (Mr. Dixon) was one which would not be acceptable to the working classes throughout the country. They were sensible enough to value their independence, and would be ashamed to be paid out of the rates for the performance of their paternal duties. The Bill as it stood proposed to give the local Boards power to remit the school fees in the case of children whose parents were stricken with poverty; and those who were not too poor to pay the school fees did not like to have those fees paid for them. The working man already saw that the one thing necessary for his children and for their advancement in life was education; but to give education gratuitously would only degrade the education so given in the estimation of the parents.

Mr. E. POTTER said, he would support the Amendment, because where there was plenty of school accommodation it was impossible to secure the attendance of children without compulsion, and he did not see how you could compel attendance if fees were to be paid. Mr. Cobden was an advocate of free secular education. He believed, if all the poor and neglected children were gathered into the schools, the better class of artizans would send their children to the voluntary schools, and pay for them rather than have them brought up with the poorer children. He should have no hesitation in voting for the proposition of his hon. Friend; but he was strongly in favour of compulsion.

Mr. W. E. FORSTER said, he was sorry his right hon. Friend the Chancellor of the Exchequer had not been present during the able speech of the hon. Member for Birmingham (Mr. Dixon)—he certainly would have been delighted to learn what he ought to do with the overflowing resources of the State—and that there were people in the kingdom who did not know what to do with their money. He (Mr. W. E. Forster) could not understand the grounds upon which the hon. Member for Carlisle (Mr. E. Potter) who, he had supposed was not in favour of denominational teaching in voluntary schools, supported the Motion, seeing that his argument was that the rate-supported schools would be filled by the children of the poorest of the population, and that the better class of artizans would pay for the education of their children at the voluntary schools. There was a fallacy underlying the argument of his hon. Friend the Member for Birmingham, when he stated that if the education was paid for out of the taxes, the parents would still pay the whole cost of the education of their children. In this matter they ought strictly to abide by facts; and he was convinced that when they had taken into account the whole sum to which working men would be liable under an education rate it would be found that they contributed a very small proportion indeed of the cost of the education of their children. He did not complain of this; but he thought the House should understand the facts. One word as to the principle upon which the Government had made the proposition as it stood. The opinion of the Government was that it would be a very dangerous thing for them to begin, at any rate, by establishing the principle that they took upon themselves, as the State, the burden of the education of the children of any portion of the population. If they were broadly to lay down the principle that the State ought to pay the cost of the education, they would, in effect, say to the great body of parents throughout the country—"We think it our business rather than yours to educate your children;" and he did not think they would be serving the cause of education by allowing such a belief to be spread abroad. If the State undertook such a task the cost would be enormous. Nor would it be confined to primary education; secondary education must also be provided free. Looking to the history of other countries, he did not think the facts bore out his hon. Friend; he could not, therefore, adopt his Amendment.

Colonel BARTTELOT said, he did not think the question had yet been placed on the right ground. The first duty of every parent was to see that his child had a proper education, and to contribute, as far as his means would allow, towards the cost of such education. It struck him forcibly that this was only another blow aimed at the existence of denominational schools. ["No, no!"] That was his impression. For what was proposed? It was that every child attending a rate-supported school should pay nothing, while the children attending the denominational schools would have to pay the school-pence. The denominational schools would consequently be deserted. He was glad to be able to infer from the remarks of the hon. Member for Birmingham (Mr. Dixon) that he would support the proposition in favour of throwing the burden of educating the children of the country on the Imperial Exchequer instead of upon the local rates; and he would only further say that if the hon. Member would use his influence to get the League's £50,000 expended in building 50 elementary schools in large towns he would be doing more service than by preventing the passing of this Bill.

MR. AUBERON HERBERT said, he believed the proposal of the hon. Member (Mr. Dixon) would raise the standard of education and he was sure that none who had stood in an American free school and noticed how the children of all classes mingled in them would speak of the system with disrespect. As for the cost, there was not the least need to trouble the Chancellor of the Exchequer or the ratepayers, when the country could command the hundreds of thousands of pounds which swelled the revenues of our great Universities. The yearly revenue of Oxford was £300,000; of Cambridge he could not speak so precisely; and, besides this, the country had various charitable endowments at its disposal, and another large fund which in the hands of the Church was not fulfilling the wants and wishes of the people.

SIR HENRY SELWIN-IBBETSON said, the hon. Member's (Mr. Auberon Herbert's) statement as to the manner in which children of different social stations attended the free schools of America did not agree with the reports of other hon. Members; the opinion had been expressed more than once that the well-to-do labouring classes would not send their children to the free schools. His own belief, and that of the majority of school managers in England was, that parents slighted education that was perfectly free, but learned to value and take an interest in the instruction of their children, when some small payment was demanded from them.

MR. MIALL said, the proposal of the hon. Member for Birmingham (Mr. Dixon) would cast the expense of educating the children of the poorer classes upon those who chose to bear the expense of educating their own children. Many a parent in the middle class had to struggle hard—to pinch and deny himself, in order to provide education for his children. The double burden would fall also upon all those of the labouring class who preferred to send their children to schools where fees were paid in preference to free schools. This would create a feeling of injustice, and on that account he was obliged to vote against the Amendment. In countries where education was free, all the schools were on the same footing. As a Member of the Duke of Newcastle's Commission, he might state that the whole of the evidence produced before the Commission upon the subject of free schools went to show that they were the worst possible schools—that parents who had to pay something for the education of their children valued the instruction thus given much more, and that by casting education down before the people as an alms, they would degrade rather than elevate it in their eyes.

Question put, "That the words 'pay such weekly fee as may be prescribed by the School Board' stand part of the Clause."

The Committee *divided:*—Ayes 257; Noes 32: Majority 225.

SIR CHARLES W. DILKE said, he rose to move another Amendment, the effect of which would be to limit the power of the school Boards in one direction and greatly to widen it in another. He now proposed to omit the words which allowed school Boards to remit the school fees if, in their opinion, the parents of the children were unable to pay; and he should afterwards propose to omit the power of the school Boards to establish entirely free schools. The reason for his Amendment was obvious; he thought that the conditions attaching to the granting of free tickets tended to affix the stigma of pauperism, and that this, together with the right of the Boards to establish free schools, would not only tend to demoralize the parents, but would react upon school Boards themselves and lower them to the level of a second Board of Guardians—a position which would seriously interfere with the efficiency of the school Boards and the advantages they might otherwise confer on the country. The principle of the Bill was that they should give large discretionary powers to the school Boards. He had objected from the first to the giving of that power; but as it had now been affirmed by the House, the best thing they could do was to make it as good and as consistent with the other principles of the Bill as possible. He thought, therefore, it would be better that all school Boards should be left free to consider the circumstances of their respective districts and the peculiar feelings of the inhabitants. He thought it would be better, therefore, not to tie their hands, as was done by the words that they were empowered to remit the fees where the parents, in their judgment, were unable to pay. These words he proposed to omit, leaving the school Boards free to act in each matter as they thought fit. He begged to move, in page 6, line 14, to leave out from "fee" to end of Clause.

Mr. W. E. FORSTER said, he thought the Government must adhere to the ground they had already taken up on this matter. He did not see why poverty should be accounted a stigma in itself when it was made the ground for remitting the school fees. He doubted if in legislation anything was gained by not stating facts fairly and just as they were. The way in which the Government proposed to meet the case was this—they thought that the parent ought not to be relieved of the education of his children, but still the school Board was not to allow the non-payment of fees to stand in the way of education. It was proposed, therefore, to allow the school Boards to remit the fees, if they were satisfied that the family was prevented by poverty from paying. If the compulsory clauses were brought into operation—and he was delighted to hear the hon. Member (Mr. Dixon) say there was no doubt they would be brought into operation in Birmingham—then any parent who refused to pay for the education of his child because he preferred to spend his earnings on drink or other indulgences, would be made to pay in the same way as if the child were sent to a reformatory. It was no use blinking the real state of the facts—that was the right thing to do. He also thought the school Boards ought to have authority to create free schools on certain conditions, for he believed that what he might call a well-managed ragged school might be of great benefit. On the whole, therefore, the Government must advise the Committee to adhere to the clause as it stood.

Mr. H. R. BRAND said, he was sorry the Government had come to that determination, for he felt sure that in the rural districts this system of free tickets would affix the stigma of poverty upon those children whose parents availed themselves of it. The Bill was founded upon two principles, which were entirely antagonistic to each other. There was, first, the principle of direct compulsion; and, next, there was the principle of the children's pence. Now, the school Boards might be able to compel attendance, but they would never be able to enforce payment for that which they were compelled to attend. This system of free tickets would have no other effect than to demoralize and pauperize the class which they were all striving to elevate. The Amendment would, at all events, have the good effect of giving more discretion to the local Boards in a matter in which they might be regarded as the best judges. He should suggest that between the ages of five and six a free education should be offered to children, at the option of the parents, and that after that age a graduated scale of fees should be imposed, regulating the fees so that a certain number of attendances in any past year or years should constitute a claim to a remission, or reduction of fees. This system would not have the effect of pauperizing any class; would be a premium on early attendance, and would have the effect of making those who attended irregularly pay for the education of those children who were noted for regularity of attendance. It was probable that only those parents to whom the fee would be an object would take advantage of the plan, and they would feel that their children were honestly earning the remission of fees.

Mr. CHARLES REED said, he hoped that the Government would maintain the clause as it stood. It went upon the principle that where the parents did not from culpable negligence send their children to school they ought to be made to pay, while those who were really unable to pay ought to receive assistance. It was done in a thousand instances now, where benevolent persons gave free tickets for the education of the children, and the cases were never, and need never be known except as between parent and the teacher.

Mr. W. H. SMITH said, he also hoped that the Government would adhere to the clause. In order to render the measure successful, it was desirable that the burden thrown upon the ratepayers should be as small as possible.

SIR CHARLES W. DILKE said, he would not trouble the Committee to divide.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 18 (Maintenance by school Board of schools and sufficient school accommodation).

MR. CAWLEY moved, in page 6, line 19, after "time," to insert "with the sanction of the Education Department."

MR. W. E. FORSTER said, he did not think a school Board should always be asking the sanction of the Department.

MR. CAWLEY said, the control might be needed to prevent the possible vagaries of a Board, elected by a political or sectarian party, which might unnecessarily elect a school for their own purposes. He, therefore, trusted the point would be considered.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 19 (Powers of school Board for providing schools).

VISCOUNT SANDON said, he had several Amendments on this clause, which all hung together, and he would shortly explain their purport to the Committee. He was glad that his right hon. Friend the Vice President of the Council had introduced a new clause into the Bill, in accordance with the suggestion he (Lord Sandon) had thrown out when the Bill was introduced, giving to school Boards compulsory powers to procure sites for new schools. Now, the point of all his Amendments was this—that he wanted to obtain the same powers for the managers of voluntary schools as this clause conferred upon school Boards. It was in accordance with the principles of the Bill that the voluntary and the rate-founded schools should be put on the same footing, and he believed his scheme, if adopted, would be regarded as a great aid to the ratepayers themselves, for it would be an advantage to them if the voluntary schools should be increased, and the pressure of the rates, especially in poor and populous districts, thus lightened. He would hardly trouble the House further, except to assure them that he proposed by an Amendment on the 20th clause to provide that the sites so acquired should never cease to be used for the purposes of public elementary schools, as it would, of course, be wrong to give compulsory powers to acquire land which might be used for a private school or some other purpose hereafter. He begged to move, in page 6, line 40, to leave out "Every school Board."

MR. BUXTON said, he thought the Government were bound to accept the proposition of the noble Lord (Viscount Sandon), or else they would depart from the main principle of the Bill, which was that in everything the rate-founded schools and the voluntary schools should be put upon the same footing; and it would not be fair to give the school Board compulsory powers to take sites while those powers were withheld from the managers of the voluntary schools.

MR. DIXON said, he did not agree that the Government were in any way pledged to the principle of the Amendment, which contemplated a great increase in the number of voluntary schools. To that policy a large party in the House objected. The Bill agreed to give six months, in order that schools, now in course of erection, might be completed; but to give them facilities in the way of buying land, in order to increase their number, was a very different matter, and he must resist the Amendment.

LORD ROBERT MONTAGU said, he thought that the principle contained in the Amendment would be good, both for the school Boards and for the managers of the voluntary schools, particularly in those poor and populous districts where a rate would be high, and consequently unpopular. In such places it was often difficult to obtain a site for a school, either because a landowner would not part with valuable building land, or because small owners asked too much for their house property. It was true that, as the right hon. Gentleman the Vice President of the Council said that if a school were not erected in a district within six months, the Government would order a school Board to be formed and a school built out of the rates. He (Lord Robert Montagu) could conceive nothing that would be more likely to make the Government and the whole educational system unpopular in such districts as he had referred to. He was therefore of opinion that this Amendment should be agreed to in order to afford to associations of philanthropic persons, facilities for erecting schools out of their own funds. For the last 30 years this plan had been adopted by every Government; and the result had been that schools had been spread throughout the country through the efforts of religious zeal, and now the noble Lord (Viscount Sandon) was opening up anew a platform on which that religious zeal and fervour could work in furthering the spread of education.

Mr. W. E. FORSTER said, he did not wish to entertain the question of competition between voluntary and rate-schools. His object was to provide education for children as quickly as possible; but he did not think this was a matter in respect of which they were bound to put the two systems on an equality. Common justice required that the Boards should have power to acquire land, the possession of which was necessary to enable them to discharge the duty imposed upon them; but in England such power had never been given to a voluntary body. The Government had fully considered the matter, and they felt that they could not ask the House to assent to such a principle. He was aware that in different parts of the country, and especially in the metropolis, the existence of such a power might be advantageous for the purpose of education; but the principle was so novel that he was afraid he could not ask the House to adopt it.

Mr. PELL said, that in several country districts the existence of this power would be as useful as in the metropolis. There were many estates in the kingdom where the owners, having a limited interest, were unable to part with land for building schools.

Sir GEORGE GREY said, he would remind the Committee that by an Act called the School Sites Act limited owners were enabled to part with land in perpetuity for the erection of schools. He would also point out that the Amendment did not require that the persons desiring to take land for schools should have any connection with the district where the land was situated, and it would enable the National Society in London to acquire sites all over the kingdom.

Mr. STEVENSON said, he regarded the Bill as being intended to lay the foundation of a national system of education, and he trusted nothing would be done to encourage the multiplication of voluntary schools.

Viscount SANDON said, he would not divide the Committee, though he thought it only fair that voluntary schools should be put on the same footing as rate-aided schools.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 20.

Clause A. (Compulsory purchase of sites. Regulations as to the purchase of land compulsorily. Publication of Notices. Service of Notices. Petition to Education Department. No order valid until confirmed by Parliament. Costs how to be defrayed.)

Mr. CANDLISH said, that as the clause was drawn no land could be obtained under compulsory action except by the consent of Parliament, and he would move an Amendment which would enable the Privy Council, without the sanction of Parliament, to effect the purchase of sites—namely, in page 8, line 35, to leave out sub-Section 6.

Mr. W. E. FORSTER said, that the Privy Council had already taken so much power under the Bill that he did not like to support a proposal to give that body more power, though, unquestionably, the powers now proposed to be conferred on the Privy Council would be a convenience, if the Committee thought proper to grant them. He would recommend that the Amendment should be withdrawn and brought up on the Report.

Mr. CANDLISH said, he had no objection to adopt the suggestion.

Mr. CAWLEY said, the question was whether such an extraordinary power should be given to a Department as would enable it to make compulsory orders independently of Parliamentary sanction, for hitherto Provisional Orders had always required the sanction of Parliament.

Amendment, by leave, *withdrawn.*

Colonel BARTTELOT said, in the absence of his hon. Friend (Mr. G. B. Gregory), he would propose an Amendment providing for the case of frivolous claims for sites, putting the owners to needless expenses. He moved, in page 8, after line 40, to insert—

"The Education Department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively."

MR. W. E. FORSTER said, he was willing to accept the Amendment.

Amendment *agreed to.*

MR. CANDLISH said, he objected to the rate of interest proposed to be charged on advances. Government could not desire to make money by such means. He begged to move, in page 9, line 5, to leave out "five" and insert "four."

MR. W. E. FORSTER said, he could not accept the Amendment without consulting the Treasury. He would look to this matter on the Report.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clause 21 *agreed to.*

Clause 22 (Managers may transfer school to school Board).

MR. CAWLEY moved, in page 9, line 20, before "managers," to insert "trustees and."

MR. W. E. FORSTER said, he did not think it necessary to require the assent of the trustees, who were very often very difficult to be found. But he was prepared to adopt the Amendment of the hon. Member for Lambeth (Mr. M'Arthur), in line 24, and insert—

"Acting in such manner and with such consent, if any, as is defined by the instrument declaring the trust."

LORD ROBERT MONTAGU said, he hoped the right hon. Gentleman would insert the word "trustee." The consent of "trustees" was necessary as well as that of the "managers." The trustees were a permanent body, invested by a legal deed with the necessary power and responsibility to secure the welfare of the school. The managers were an ephemeral body, elected every year according to conditions prescribed in the trust deed of the school. The managers therefore had little at stake, and as they were an ephemeral body, they could not have the permanent interests of the school at heart. Besides, did it not seem unreasonable to ignore the trustees, who were made parties to the trust deed, because they were especially interested in the school, and to give the whole power of transfer to persons whose position as managers was accidentally and temporarily derived from the trust deed, and whose only interest might be to get rid of the trouble and expense of the school? He supposed this was done because that the Government thought that all schools would thereby be brought completely into the Government system. Yet such a plan was utterly contrary to the principles of the law; for it permitted certain persons to give away the property of others. The schools were legally vested in the trustees, and were the property of the trustees, and yet the managers were to be allowed to divert this property to other uses.

MR. BARROW said, that in many cases the trustees were quite independent of the managers and had nothing to do with them.

MR. ASSHETON CROSS said, that the managers being responsible for the expense, would be glad to get rid of the responsibility and throw it on other parties, who might not be the best parties to hand it over to.

MR. CAWLEY said, that the power exercised by the managers was a kind of voluntary power. Trustees were enrolled in the Court of Chancery and took no part in the management. It was the duty of the trustees to see that the school was used for the purposes defined in the deed.

MR. W. E. FORSTER said, he believed the words he had mentioned would meet the difficulty.

MR. RATHBONE said, that as one object of hon. Members was to promote the cause of education we ought to consult those who were actively engaged in educational work.

SIR HENRY SELWIN-IBBETSON said, it often happened that the managers were merely subscribers of a guinea or so a year, who could not be supposed to take so deep an interest in the schools as the trustees or original donors. Therefore, the words proposed by the right hon. Gentleman would hardly meet the views of hon. Members on that side of the House.

MR. W. E. FORSTER said, that in the majority of cases the managers were responsible for keeping up the schools, because, unless they did so, they did not receive the Parliamentary Grant. The clause, as he proposed to amend it, would practically meet the difficulty. From the number of letters he had received on the subject, he believed it would meet the wishes of the public.

Sir STAFFORD NORTHCOTE said, he wished to ask whether the right hon. Gentleman was prepared to accept the further Amendment about to be proposed by the right hon. Member for South Hampshire (Mr. Cowper-Temple) to insert—"and with the assent of a majority of the annual subscribers to such school, given at a meeting specially convened for the purpose." If the right hon. Gentleman accepted that principle the words now proposed would probably be sufficient; but, if not, it might be very dangerous to let the clause pass in its present shape.

Mr. W. E. FORSTER said, he was prepared to accept the proposal of his right hon. Friend the Member for South Hampshire. It would be necessary, however, to modify the wording of the Amendment, so as to make it clear that the assent of the majority of the managers attending the meeting would be sufficient.

Sir CHARLES ADDERLEY said, he did not see how the persons who had only the management of the schools could be authorized to transfer the property which was vested in the trustees.

Sir STAFFORD NORTHCOTE said, he would put his own case. He built his school at his own expense, and received no aid whatever from the Government. No trust deed had ever been executed, but when he was required to appoint managers, he made two gentlemen nominal managers of the school. If, in his absence, they were disposed to hand the school over, there was nothing in the Bill to prevent them. He apprehended the school was his own private property, and that no one had a right to interfere with it. What he wanted was the introduction of words into the clause which would prevent anything being done by surprise.

Mr. CAWLEY said, he would accept the Amendment of the right hon. Gentleman (Mr. W. E. Forster) on the understanding that his own Amendment would be fully considered hereafter.

Mr. BIRLEY said, he hoped the right hon. Gentleman would withdraw the clause, and bring it up amended on the Report.

Amendment, by leave, *withdrawn.*

Mr. W. E. FORSTER then proposed an Amendment to the effect that the managers of a school may transfer it to a school Board with the assent of such number of their body as under their constitution is binding on them, acting in such manner and with such consent, if any, as is required by the terms of the trust of the school.

Lord ROBERT MONTAGU said, that this only provided for a supposed case where the trust deed already provided for the mode of transfer of the school; but he did not believe that in all the 16,000 schools there was a single trust deed which set out any mode of transfer; or if it did, then such a clause as this would be superfluous, or rather would introduce an element of confusion into the powers and trusts of the school.

Sir ROUNDELL PALMER said, if he rightly caught the words which had been proposed, they seemed to be based on a right principle. They simply affirmed that where a trust existed its terms ought to be followed.

Mr. GATHORNE HARDY said, he thought that full notice—say of two or three months—ought to be given of every intended transfer, so that the parties really interested might, if they chose, come forward to dispute the right of those who proposed to make the transfer. He would suggest that the best course to pursue would be to bring the clause up again on the Report.

Mr. DISRAELI said, he concurred in his right hon. Friend's suggestion. It appeared to him that the words of the clause would invest mere managers of schools with rights which appertained only to the owners of the property. The words suggested by the right hon. Gentleman really did not touch the difficulty; they evaded it with great ingenuity.

Mr. GATHORNE HARDY said, he would point out that if no Amendments were made in the clause it might be postponed and brought up in an amended form at the end of the Committee.

Amendment, by leave, *withdrawn.*

Clause *postponed.*

Clauses 23 to 25, inclusive, *agreed to.*

Clause 26 (Establishment of industrial schools).

Mr. HEADLAM said, he would suggest that they should also be authorized to establish industrial school ships.

Mr. W. E. FORSTER said, he thought the Amendment was unnecessary, inasmuch as an industrial school ship, if certified, would come within the operation of the clause.

MR. CORRANCE moved, in line 30, after "1866," to insert—

> "And an Act—namely, twenty-fifth and twenty-sixth Victoria, chapter forty-three, section one, referring to pauper children, all provisions of section fifteen of the former Act notwithstanding."

MR. W. E. FORSTER said, the Bill was intended to promote the objects of education, and it would not do to put the school Boards in the place of the Poor Law Guardians, which would be the effect of the hon. Gentleman's proposal.

In reply to Mr. HIBBERT,

MR. W. E. FORSTER said, he had already stated that the result of passing an Education Bill would be to render it necessary to revise the Industrial Schools Act.

Amendment *negatived.*

SIR CHARLES ADDERLEY said, the clause would make the industrial schools established under the school Boards a very important part of the new school machinery of the kingdom, and yet the Proviso at the end of the clause left them subject to the Home Secretary, and so kept the children for whom the Bill was chiefly intended out of the new national system, and placed them in a special category of police treatment. He proposed that school Boards should not only be able to contribute to industrial schools and to establish them, but also to make use of all the powers of the Industrial Schools Act, thus constituting them a competent authority to provide education—compulsorily if necessary—for all poor children. The Proviso placed the children most worthy of such provision among the criminal class, though they were not in any sense criminals. The only objection he had heard to transferring industrial schools from the Secretary of State to the Education Department, was that destitute children should be treated as a separate class, but that, in his opinion, had no force. Industrial schools were meant for the most neglected children, not criminals; they might be, and they were practically used as day schools as well as boarding schools, and there was no reason whatever to treat them as distinct institutions foreign to the Education Department. The tendency of the present time was to making one great Educational Minister preside over all the State-aided schools of the country. Moreover, when the Education Estimates were brought before the House it was impossible to check them when one class of schools came under one Department and another class was placed under a different Department. The real reason why the change proposed in his Amendment was opposed by the managers of industrial schools was the unpopularity of the Education Department, though the present Vice President would have redeemed it from this unpopularity had it been possible to do so. But if there was objection of this kind, it ought to be got over by altering the Department, instead of allowing certain schools to escape the school Minister in another Department, with which education had nothing to do. There was also a natural wish felt by those who had got industrial schools under their separate management not to let them merge in the general Department. The school Boards and the Education Department, and not the Home Office should stand *in loco parentis* to destitute children, who should not be regarded and stigmatized as a degraded class, and industrial schools ought to be supported out of the same rates and come before the House in the same Estimates as other elementary schools. On these grounds he begged to move, in page 10, line 33, leave out from "Provided" to end, and insert—

> "And every school Board where there is an Industrial School established shall, if necessary, by an officer of their own, put in force the fourteenth section of the Industrial Schools Act, twenty-ninth and thirtieth Victoria, chapter one hundred and eighteen, and cause children under fourteen years of age found begging or wandering, with no settled abode or proper guardianship, or visible means of subsistence, or found destitute, to be brought before a magistrate, in order that they may be sent to such Industrial School, if possible, and kept there under the terms of that Act. Children found so begging or wandering, having a parent or guardian, may be sent to such schools, for instruction only, during such hours in the day as the magistrate committing them may think fit. Whenever in the said Industrial Schools Act the Secretary of State is named the Education Department shall be understood; and the Inspector of Industrial Schools shall be such Inspector as the Education Department shall appoint."

MR. LIDDELL said, he had no objection to the first part of the Amendment, but he had the strongest possible objection to the latter part. The system pursued in respect to industrial schools was to take children from vicious parents and teach them morality and religion; but if a number of children were admitted into them from off the street for instruction only during the day the whole discipline of the schools would be destroyed.

Mr. MELLY said, he concurred in what had just fallen from the hon. Member (Mr. Liddell). Rather than support the Amendment he would ask the Vice President of the Council to withdraw the clause altogether. He held that school Boards would have quite enough to deal with without meddling with the industrial schools.

Mr. DIXON said, he hoped his right hon. Friend the Vice President would not accede to the suggestion of the hon. Member for Stoke. At Birmingham there was an industrial school which was maintained by the Town Council; but they were in this difficulty—that they were deficient in any authority to take care that the children of the streets should be sent there. The result was that a society had been formed to do that which might be done by a school Board. He hoped his right hon. Friend would accept the first part of the Amendment.

Mr. CORRANCE said, while agreeing that the whole of the provisions of the Industrial School Acts should be revised, he did not think that the Amendment would carry out the object contemplated.

Mr. BUXTON said, that the Industrial Schools Act required great revision. In many cases it had proved a great failure, and rather an encouragement to crime than anything else.

Mr. W. E. FORSTER said, he hoped the Committee would not strike the clauses out. The first had already passed, and the power was merely permissive. The Government had considered whether they could include in the present measure a revised Industrial Schools Act; but they had reluctantly come to the conclusion that that could not be done. The main object of the Industrial Schools Act was to take entire possession of the child; whereas, all that they attempted to do in this Bill was to see after the daily education of the child. It might be a question whether the Department should in future superintend by their Inspectors the education given in those schools; but that need not be entertained in this Bill, because the Industrial Schools Act would soon have to come before Parliament for revision. He could not state whether it would be advisable to adopt any portion of that Amendment; but there might be an advantage in retaining the first part of it. He would suggest that the right hon. Baronet (Sir Charles Adderley) should withdraw his Amendment, subject to the first part being considered on the Report.

Mr. M'LAREN said, he hoped that school Boards would be enabled to devote a portion of the rates to the education of the blind, who formed the most destitute class in society, and of whom only 1 in 15 had been taught to read. If a special gratuity of, say, £5 a-year, were given to schoolmasters of ordinary schools for each blind child who should be taught to read, all blind children might in this way easily be taught to read from embossed characters, and the Vice President could not confer a greater benefit than by so enlarging the clause as to give to local Boards the power of making such payments. The industrial training of the blind he would leave to the voluntary efforts of those societies which were formed for that purpose; but as to teaching them to read, and especially to read the Scriptures, the Committee owed a duty to the blind more than to any other class of society. He entreated the right hon. Gentleman to recollect the hopes he excited when a deputation waited on him some months ago on that subject.

Sir CHARLES ADDERLEY said, the Vice President of the Council, in remarking that the Education Department did not undertake to maintain the children, overlooked the fact that by Clause 26 he undertook to establish the schools. He would, however, accept the right hon. Gentleman's suggestion and withdraw the Amendment, subject to the first part of it being brought up again.

Amendment, by leave, *withdrawn.*

Mr. CAWLEY said, he would beg to move, in Clause 26, at end, to add—

"Provided always, That if the school Board of a borough not having a prison belonging to it, and which is assessed to the county rate of the county within which it is situate, exercise the power given by this or the last preceding section, the rating authority of that borough shall be recouped by the justices of the county out of the county rate the proportionate amount contributed by such borough towards the expenses incurred by the prison authority under and for the purposes of "The Industrial Schools Act, 1866."

**MR. W. E. FORSTER** said, it was impossible to accept that proposition. This was not an imposed duty, but something undertaken. There was no reason to exonerate people from a self-imposed duty.

**MR. HIBBERT** said, that the clause was objectionable. It would be a hardship on boroughs to be called upon to pay twice over.

**MR. BRUCE** said, every borough had the power to make arrangements with the county before undertaking the liability.

Amendment *negatived.*

Clause *agreed to.*

Clause 27 (School Board).

**MR. DIXON** moved that Progress should be reported. [" Go on!"]

**SIR CHARLES W. DILKE** said, he was ready to go on; but as his Amendment was in some degree connected with that of the noble Lord the Member for the Northern Division of the West Riding of Yorkshire (Lord Frederick Cavendish) the discussion might be affected thereby.

**MR. COLLINS** said, he thought it hardly reasonable to go into a new subject at that stage.

**MR. W. E. FORSTER** said, it would be quite hopeless to think that the discussion on the next clause could be finished, and he therefore would consent to Progress being reported.

**MR. GLADSTONE** said, he hoped his right hon. Friend (Mr. W. E. Forster) would, on some suitable occasion, be rewarded for the liberal concession he had just made. It might be convenient to the Committee to know what the Government thought should be the order of Public Business next week. They proposed that the Report of the University Tests Bill should be taken first on Monday; immediately after which, the Committee on this Bill would be resumed.

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

### NEW ZEALAND LOAN (GUARANTEE) BILL.

Resolution *reported;*

"That it is expedient to authorise the Commissioners of Her Majesty's Treasury to guarantee the payment of the principal and interest of a Loan of £1,000,000 sterling, such interest not to exceed the rate of four per centum per annum, to be contracted by the Government of New Zealand for the construction in that Country of Roads, Bridges, and communications, and for the introduction of Settlers into the said Country; and to make provision for the payment, out of the Consolidated Fund, of such sum or sums of money as shall be required from time to time for giving effect to the said Guarantee."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. DODSON, Mr. MONSELL, Mr. CHANCELLOR of the EXCHEQUER, and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 190.]

And it being now Seven of the clock, the Sitting was suspended.

**MR. SPEAKER** resumed the Chair at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present—

House adjourned at five minutes after Nine o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, 4th July, 1870.*

MINUTES.]—SELECT COMMITTEE—*Third Report* —Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod. (No. 177.)

PUBLIC BILLS — *Second Reading* — Benefices (130); Salmon Acts Amendment* (147); Cattle Disease (Ireland)* (171).

*Select Committee*—Married Women's Property* (125), *nominated.*

*Committee—Report*—Local Government Supplemental* (150); General Police and Improvement (Scotland) Supplemental* (155).

*Report*—Benefices Resignation (161-178); Wine and Beerhouse Act (1869) Amendment* (172); Medical Act (1858) Amendment (173); Ecclesiastical Dilapidations (No. 2)* (174); Ecclesiastical Titles Act Repeal* (175).

*Third Reading* — Sequestration (145), and *passed.*

*Royal Assent*—Mortgage Debenture Act (1865) Amendment [33 & 34 *Vict.* c. 20]; Bridgwater and Beverley Disfranchisement [33 & 34 *Vict.* c. 21]; Felony [33 & 34 *Vict.* c. 23]; Norwich Voters Disfranchisement [33 & 34 *Vict.* c. 25]; Metropolitan Board of Works (Loans) [33 & 34 *Vict.* c. 24]; Turnpike Trusts Arrangements [33 & 34 *Vict.* c. 22]; Drainage and Improvement of Lands (Ireland) Supplemental [33 & 34 *Vict.* c. 81]; Pier and Harbour Orders Confirmation [33 & 34 *Vict.* c. 82].

### THE NEW LECTIONARY, OR TABLE OF LESSONS.—QUESTION.

**EARL STANHOPE** asked the noble and learned Lord on the Woolsack, When he proposed to fix the second reading of the Bill giving effect to the Report of the Ritual Commission on the Tables of Lessons, which had been before the House three or four weeks? It was desirable that the measure should reach the other House in sufficient time to be considered this Session.

The LORD CHANCELLOR said, that since he had introduced the Bill to confirm the Report at which the Ritual Commission had arrived with respect to the Lectionary; it had been mentioned to him that another Report was expected from the same Commission, altering to some extent—but to what extent he did not know—the Rubrics of the Prayer Book, and that there might be some convenience in waiting until both alterations could be embodied in a re-issue of the Prayer Book. On making inquiries, however, he found that any difficulty of the kind referred to might be obviated by printing the new Table of Lessons on a sheet which might be bound up with the present Prayer Book: and there was no reason to wait for another year for the Report in reference to the Rubrics. It, therefore, appeared to him advisable to proceed with the Bill he had introduced, and he would accordingly place the second reading on the Notice Paper for Thursday next.

## RED RIVER TERRITORY.

### MOTION FOR PAPERS.

THE MARQUESS OF CLANRICARDE: My Lords, I can assure your Lordships that in asking the noble Lord the Secretary of State for the Colonies for some information respecting a transaction that has recently taken place in the North-west part of the American Continent, I have no intention to enter into any discussion as to the legality of what has occurred in that part of the world or into any disputes that may have taken place in reference to the Hudson's Bay Company; but my Lords there are matters connected with the occurrences to which I have alluded with respect to which I think Parliament ought to be informed and upon which, as far as I have heard, Parliament has as yet received no information whatever from the Government. I allude, my Lords, to the occurrences which have recently taken place in the Red River Settlement, which we are told has been engaged in hostilities of some sort or another. Of the nature of those hostilities or with whom they have been carried on I am altogether unaware—but I think that Parliament ought to be informed whether the war that has taken place there is a civil war between particular tribes, between different states, or between different nations. From all I have heard in reference to the subject, it appears to me that, practically, this is a case of Her Majesty's troops being engaged in a war without Parliament knowing anything about it. They have been sent for a long distance through a difficult and intricate country to the Red River Settlement, which is in the neighbourhood of the United States, and on the borders of which we learn that a war has occurred, My Lords, I should like to hear from the noble Lord the Secretary to the Colonies what is the object for which this war has been undertaken, and what are the instructions which have been given to whoever may command the troops, and who are the persons who have given those instructions. My Lords, the newspapers talk of the Red River Rebellion. Now, if there is a rebellion there must be rebels, and I want to know who these rebels are, and against whom they are in rebellion, and what are the disputed questions upon which they have disagreed—from the power against whom they are said to be in rebellion. Upon all these points Parliament has as yet received no information; and although the outbreak occurred in the month of October last year, the Speech from the Throne contained no allusion to it at the commencement of Parliament, perhaps because it was not thought to be of sufficient importance to warrant such notice being taken of it. My Lords, from all I can gather upon the subject, I do not believe that the general body of the settlers have the slightest intention to throw off the allegiance that they owe to this country, but they object to being transferred from the Hudson's Bay Company to the Dominion of Canada. Now, my Lords, I should like to know whether that is an accurate statement of the case, and if so, why we send our army to coerce these people into becoming a part of the newly established Canadian Dominion against their expressed wishes? Now, I do not intend to go into the question of the part taken by Great Britain in establishing that Dominion, but I do not understand why we should coerce the inhabitants of the Red River Settlement into joining it if they were opposed to such an amalgamation of their country with the other British States of North America. I understand that some of these persons have stated that they hold their land by right of occupation of waste and desert land, and that having paid money to the Hudson's Bay Company for permission to settle, they are about to be transferred to another Government without their consent having been obtained. Now, I want to know what their exact rights are in reference to this question. In the years 1749 and 1857 Committees of the House of Commons were appointed to inquire into this question. On the first occasion the whole principle of the rights of the Hudson's Bay Company was investigated, and I understand from the report of this Committee, it was declared that they had no territorial or property rights whatever; and on the last occasion, such Committee declined to entertain the question of any such right—which by two previous statutes of the 2 *William & Mary* and 23 & 24 *William & Mary* c. 15, was declared to be at an end; and that that is the opinion of a very learned person in this country upon the authority of these enactments. I do not intend to discuss that point at the present moment, but what I want to know is why these persons are considered to be in rebellion? They certainly do not appear to have rebelled against us—but it seems that a certain person was sent by the Canadian Government to take possession of the Red River Territory. Now I should like to know from the noble Lord the Secretary of State for the Colonies what was the true nature of his position, and what authority he had for going there, by whom his commission was signed, whether by the Home Government or by the newly established Canadian Government, and if by the latter, by what right they signed his commission and appointed him Governor of the territory in question? This district into which this expedition was sent, your Lordships will be aware, is very near the Oregon boundary, and many of the settlers upon it are subjects of the United States; therefore under these circumstances it was very rash to send a military force to those boundaries. I do not understand that we ourselves have sent there any civilian officer, or that we have established there any civilian government, but I hold in my hand a copy of the summons which is so extraordinary and unique a document that I hope your Lordships will allow me to read it. It is a summons purporting to be issued by persons claiming to exercise authority in the Red River Territory, and is directed to a general trader, named Stewart, requiring him to attend the Court of the district to answer for selling spirits without a licence. It is as follows:—

> "Middle District Court to Stewart,—
>
> "I hereby order you to appear in the Court of this district, on the nineteenth of April, to answer the Public for selling spirits without a licence.
>
> "(Signed)
>
> "April 13th, 1869."

Now, my Lords, I recollect that many questionable transactions were carried on in the name of the French Republic, and that occasionally, a system called Lynch Law has been adopted, but this is the first time I ever saw a summons for selling spirits without a licence which did not specify from whence and from whom the licence was to come. I should presume in this case that the judgment would depend very much upon the quality of the spirits sold, for I cannot see by what else the case could be determined. My Lords, if it be true, as it has been stated, that the Government having decided that the rights of the Hudson's Bay Company are no rights at all they are to be transferred to the Dominion of Canada, that may be a transaction perfectly justifiable in itself for ought I know, but it appears to be a most objectionable proceeding that in any part of the world we should sell not British land or property but British subjects—that we should buy them from one power to sell them to another. That is a proceeding which I should be very loth to sanction. I maintain that the Government have no right without the consent of Parliament to transfer the allegiance of the possessors of British soil from one party to another as though they were so many slaves. Both by common law and by statute law I apprehend that the power of making such a change must rest in Parliament alone and cannot be exercised by Orders in Council or by any similar proceeding. It is for these reasons I have moved for the production of the correspondence in relation to this subject, and I hope that the noble Lord will have no objection to give me the information to which I allude at the end of my Notice. What I want to know is, what are the feelings of these people, how far they are justly called rebels, and what is the nature of their position towards this country and towards Canada.

*Moved*, "That an humble Address be presented to Her Majesty, requesting that Her Majesty may be graciously pleased to order that Her Majesty's Principal Secretary of State for the Colonies do lay upon the Table of this House a copy of the correspondence had with the Reverend G. O. Corbett, one of the landed proprietors of British North West America, in reference to the Red River Rebellion and the causes that have led to it, as disclosed in certain communications addressed to the Colonial Office from the 25th of August 1868 to the present time; and also of all petitions that may have been addressed to Her Majesty or to Her Majesty's Government from the inhabitants of such localities."—(*The Marquess of Clanricarde.*)

EARL GRANVILLE said, he was not aware till half-an-hour ago that the noble Marquess intended to do more than move for the Papers mentioned in his Notice. There had of late been much comment in the House of Commons and elsewhere on the unnecessary expense incurred in printing voluminous documents which nobody ever read. In this particular case it appeared that Mr. Corbett had addressed letters to himself (Earl Granville) and his predecessors in Office expressing opinions, but giving no authority for the statements of fact contained in them. He had since published them, after inquiring whether there was any objection to this, and being told there was none. Why Parliament, therefore, should be at the expense of printing and circulating for the rev. gentleman letters which probably had not had any great sale, or been much read, he was at a loss to understand. As to Petitions, there was not the slightest wish to hold back anything of the kind. Most of the Papers referred to in the Motion had been printed, and some would be ready almost immediately, while the rest would be presented before the end of the Session. It was too late now to question the legality of the transfer of the territory to the Dominion, and that arrangement was only made after long negotiation. The object of the military expedition which had started was not to conquer a rebellion, but for the purpose of securing that state of order which he trusted the expedition would find prevailing; and with regard to the Dominion Government, he would only say that, while he certainly could not defend certain of its acts to which the noble Marquess had referred, he was bound to say that ever since that time it had acted with singular judgment, caution, and moderation, and in perfect accord with Her Majesty's Government.

THE EARL OF CARNARVON said, he would not enter into a discussion now, as the noble Earl had stated that many of the Papers were already printed; but the subject was one of much importance, and must not be measured by the size of the territory or the number of its inhabitants. He was glad that by the sending of British troops it had been recognized as an Imperial question, and he looked forward with great interest to the explanations promised by the noble Earl, which he hoped would be given on an early day.

THE MARQUESS OF CLANRICARDE, in withdrawing the Motion, said, that he was informed that the Papers referred to had only been published for private circulation.

Motion (by Leave of the House) *withdrawn.*

## BENEFICES BILL—(No. 130.)

(*The Duke of Marlborough.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF MARLBOROUGH, in moving that the Bill be now read the second time, said, that its object was chiefly directed to prevent the sale of the next presentations to benefices, and in certain cases to render illegal the sale of advowsons. He did not conceal that the Bill did, to a certain extent, interfere with the rights of property—it did not, however, interfere with the property of advowsons, but only with the right of property—if any such could be said to exist—in reference to the sale of next presentations. He thought that they ought to look at the matter in the interests of the Church, and see how far the property had been used in accordance with those interests. It was important to bear in mind the distinction between an advowson and a next presentation. The former had always been considered property. In Stevens's *Digest of the Laws of the Church*, Lord Chief Justice De Grey's dictum was quoted to this effect—that there was the right to sell an advowson; but the exercise of the right of presentation was a public trust, and should not be exercised for private benefit or profit. Advowsons had also been declared by a statute of the first year of Her present Majesty to be real property, and therefore it would have been a serious interference with the rights of property to prevent the sale of advowsons. But the system had been, undoubtedly, attended by considerable abuses. Livings were advertised for sale in the most open and barefaced manner, and the age of the incumbent was stated as an element affecting the value. He did not say that they could at once provide a remedy for all abuses that were said to exist in the Church. Property would always be liable to abuse; but that was no reason why they should not attempt to remedy some portion of the abuses that existed. Now the right of presentation, though a species of property somewhat similar to advowsons, stood in a different position. He maintained that the result of patronage being invested in lay hands was very beneficial, because it was instrumental in introducing into the Church a variety of sentiment, character, and opinion which might otherwise not be found in it. It was, therefore, desirable to maintain this kind of property; but still that right should be restrained if it were exercised in a manner injurious to the Church. He asked their Lordships shortly to consider some of the evils that the sale of next presentations was exposed to. The law, as it now stood, forbad the sale of the next presentation where the living was vacant, but not where it was full; and ecclesiastics were forbidden to purchase next presentations. It was difficult to understand the principle of this law—why the law should prohibit the sale of the next presentation in the case of vacant benefices, and permit it if they were full, or why clergymen should be debarred from purchasing them, while laymen were permitted to do so. The only argument in favour of the existing practice was, that it afforded an opening for persons who desired to enter the Church, but who, for lack of interest, would otherwise be enabled to do so. But he thought this argument did not deserve much consideration. The sale of a next presentation amounted to this—that the patron became possessed of the fruits of the benefice. He could not, indeed, present himself; but he took a valuable consideration for the period during which the person to be presented was expected to enjoy it, and, therefore, *pro tanto*, he got the fruits of the living. On the other hand, it was impossible that a clergyman who had obtained a benefice by means of money should stand in the same relation to his parishioners as one who had been presented from no pecuniary considerations. Such a man, unless his motives were of the highest character, would regard the income of the benefice simply as a return for the money invested in the purchase. The moral obligation of consulting the interests of the parishioners and of selecting the fittest man was becoming, he was happy to say, far more generally felt by patrons; but no such element could enter into the sale of a presentation, which was a transaction entirely of bargain and sale; and when a person bought a next presentation, it could hardly be said that his object was to present the most fit person to the living. The oath, too, that the clergyman took upon induction seemed to his mind to be one of the greatest obstacles to the practice of purchasing next presentations. The oath was that no sum of money, reward, profit, or benefit, had passed between himself and the patron.

THE BISHOP OF WINCHESTER said, that now it was not an oath, but a declaration.

THE DUKE OF MARLBOROUGH: But a declaration was as binding *in foro conscientiæ* as an oath. It was idle to say that the bargain had been made with a third person, and that *qui facit per aliam facit per se* did not apply. The exercise of public and of private patronage also was surely a trust, and the public mind was becoming more sensitive as to the exercise of trusts. This was shown by the way in which abuses in reference to the electoral franchise, or to the selling of public offices, were viewed. The Bill dealt with three matters. In the first place, it prohibited the grant or demise, or the agreement to do so, of the next or other presentation or nomination; secondly, it prohibited the sale of an advowson under a colourable pretence, when the intention was that it should be handed back again after the person should have been inducted; and, thirdly, it prohibited the sale of an advowson when the incumbent was *in articulo mortis*. He might add that the Bill was provided with various safeguards in reference to interference with existing rights; it saved settlements, and also next presentations that had already been purchased. It would simply remedy what was acknowledged on all hands to be a gross abuse in reference to the property of the Church, and also a violation of a public trust. He trusted that their Lordships, by passing this measure, small as it was, would confer a great and lasting benefit on the Church.

*Moved,* "That the Bill be now read 2ª."—(*The Duke of Marlborough.*)

Lord CAMOYS said, that last year, during the discussion of a Bill having a different object, he urged the propriety of repealing the disqualification resting on Roman Catholics of exercising ecclesiastical patronage. Owing to the lateness of the Session and the opposition of the Primate, he did not then press the matter; but if the right of selling the next presentation were taken away the property of Roman Catholic patrons would be altogether forfeited. Any other persons, though Jews, Turks, or infidels, had a right to present to a living, and as the presentee must be approved by the Bishop, there could be no danger to the Church of England in permitting Roman Catholic patrons to nominate to livings. He hoped a clause to this effect would, for the sake of justice, be inserted in the Bill.

Lord CAIRNS said, he had reserved his opinion of the measure until he heard the arguments in its behalf; but though he had listened with great interest to the speech of his noble Friend, he must confess that the doubts he had all along entertained had by no means been removed. He must be permitted to say that his noble Friend's measure seemed to him to be a very strong one. His noble Friend had pointed out the difference between an advowson and a next presentation; that advowsons were well-known tangible, and valuable property, and he said that he had no desire to interfere with the rights of property with regard to them. If ever the time should arrive when, by proper means and without violating the rights of property, the whole system of selling advowsons and next presentations could be done away with, no one would rejoice more than himself; but before their Lordships assented to the second reading of the Bill, they should be clear as to the difference between an advowson and a next presentation. The most valuable part of an advowson was the next presentation, and if they cut off the most valuable part, and then said that they were not interfering with property, it would be the same as if they cut off three-fourths of a loaf and took it away, and then said that they were not interfering with the rights of property in the loaf. By this Bill they would, beyond all doubt, interfere with the property in advowsons, and, therefore, although he was loth to interfere with the second reading, he thought their Lordships should give a little more consideration to the matter before they sanctioned the principle of the Bill.

The Archbishop of YORK said, he rejoiced that so much of the patronage of the Church was vested in lay hands, for sooner or later a man was likely to get preferment from one source or another. He looked, however, on the possession of an advowson as rather an ornament to property than property itself; and though an advowson was necessarily liable to be sold, it did not follow that the sale of next presentations should be permitted. The latter, indeed, produced an amount of ill feeling in parishes which was beyond description. The more the thing was reflected upon the more profound was the dissatisfaction at a clergyman being intrusted with the charge of 1,000 or 5,000 souls not on account of any special fitness or piety, but because he had gone into the market and bought the property. He admitted that there was great difficulty in applying a remedy to this; but he strongly approved the principle of the Bill, as it left intact the right of the laity to present, and prevented presentations from being bought and sold.

The Marquess of SALISBURY said, that a more difficult Bill had rarely come before their Lordships' House. As to the grounds of approval suggested by the most rev. Prelate, however much they might sympathize with them, they must remember that the principle which had been laid down could hardly be confined to the Church. Commissions were bought in the Army, and, though the purchase system would very likely some day be abolished, the most extreme reformers had not proposed to forfeit the property of those who had bought commissions by refusing to allow them to sell them again. Yet something like this, though not exactly the same, was proposed by the Bill as regarded the powers of next presentations. He did not say that the position of those who purchased Church preferments for speculative purposes was morally very high; but the Bill would take away from them money which they had invested in a manner authorized by the law, and which property they had every reason to expect would be respected.

THE DUKE OF CLEVELAND held it very desirable to remove the scandal attending the sale of presentations, where the age of the present possessor was often a prominent feature in the transaction; but he thought it difficult to draw a distinction between advowsons and next presentations. The existence of patronage in lay hands was one of the greatest safeguards of the Church, into which various opinions thus found entrance much more easily than would be the case were all presentations in the hands of a public body or of the right rev. Bench. The Bill might hinder the admission into the Church of gentlemen of independent means, whose fathers now purchased livings for them. There were, however, so many questions connected with the subject that he hoped the House would not be called upon to pronounce a definite judgment on the measure.

THE BISHOP OF GLOUCESTER AND BRISTOL believed the Bill would go far to remove some great abuses. It respected existing rights and only dealt with the future. But though the Bill would remedy some admitted abuses, he thought the general wish was that the subject should be postponed.

LORD ROMILLY wished to know whether under the Bill the sale of an advowson would carry with it the next presentation? If it would, the only effect would be that, instead of the presentation being sold, the advowson itself would be sold. If it would not, the Bill was simply taking away property. A next presentation was usually bought for the purpose of putting in as young a man as could be found, and the value of the advowson when the next presentation was deducted was merely nominal.

THE DUKE OF MARLBOROUGH hoped their Lordships would at once agree to the second reading, and thus sanction the principle of the measure; but he should be happy to consider Amendments in Committee. At present it was illegal to sell the presentation if the benefice were void, and his object was to prevent the sale of the next presentation. As to the noble and learned Lord's question, he understood the Bill to prohibit the sale of a next presentation; and if this was taking away three-fourths of a loaf, so that the remainder was worth little or nothing, all he could say was that he was sorry for it. Still he desired their Lordships to sanction the principle of the Bill, for he believed it would further the best interests of the Church. Although he would be the last to interfere with the rights of property, except upon most sufficient grounds, he insisted that the sale of presentations had become such a disgrace to the Church that the adoption of some such measure as that before their Lordships had become necessary.

THE DUKE OF RICHMOND said, he would gladly assent to the second reading of the Bill, but he must not be taken by so doing to give his assent to the Bill in its present shape. He thought it would require considerable alteration in Committee.

THE BISHOP OF WINCHESTER pointed out that, although the sale of an advowson carried with it the next presentation, it must not be considered as a sale of the next presentation, because the transfer of the presentation was a natural consequence of the transfer of the advowson, and could not be compared with carrying a presentation into the market and offering it for sale. It was the common traffic in presentations that it was desired to put an end to.

EARL DE GREY AND RIPON said, that when he was a Member of the other House he had prepared a measure on the subject, so that he was aware of the gravity of the evil to be dealt with; but if the Bill were read a second time he hoped the noble Duke would postpone the Committee.

THE DUKE OF MARLBOROUGH assented, and remarked that he was not responsible for the title of the Bill.

On Question? *agreed to;* Bill read $2^a$ accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 12*th instant.*

## BENEFICES RESIGNATION BILL.

(*The Lord Bishop of Winchester.*)

(NO. 161.) REPORT.

Amendments *reported* (according to Order).

THE BISHOP OF WINCHESTER said, that at a former stage objection had been taken to the way in which the Bill proposed to deal with lunatic clergymen. He wished it to be understood that it was not the Bench of Bishops who had initiated legislation on this subject; but the Bill had been drawn up by the representatives of the clergy in the Lower House of Convocation, who protested against clergymen holding livings the duties of which they were not able to perform. He proposed to meet the difficulty which had been complained of by the introduction of a separate clause allowing the Bishop, through the Archdeacon, to appeal to the Lord Chancellor to take the course which the Lord Chancellor takes in other closely similar cases. Provision might thus be made for securing a retiring allowance. There were one or two other Amendments which were merely verbal.

Amendment *moved,* after Clause 4, insert the following Clause :—

"In case of any incumbent being afflicted with permanent mental incapacity it shall be lawful for the archdeacon, on the request of the Bishop to apply to The Lord Chancellor, or other the person or persons to whom the care of the estates and persons of lunatics may be intrusted by Her Majesty's sign manual, to direct the Committee, or, in the cases where there has not been any inquisition, to direct such person as to The Lord Chancellor or to such other person or persons as aforesaid shall seem fit, to resign the benefice in the name and on the part of the incumbent so incapacitated as aforesaid; and The Lord Chancellor, or such other person or persons as aforesaid, may therefore, if it shall to him or them seem fit, give such directions as may be proper for the resignation of the benefice, and for the assigning of a proper payment thereout for the benefit of the incumbent so incapacitated during his life, and such resignation shall have the same effect as if it had been made by the incumbent himself, and the allowance shall be paid in the same manner as in other cases provided for by this Act."—(*The Lord Bishop of Winchester.*)

EARL STANHOPE said, it appeared to him that there was much to recommend the Amendment. He would remark that no provision was made in the Bill for a retiring allowance when the living was of very small value.

THE BISHOP OF WINCHESTER said, this was a real difficulty; but the measure would give very great advantages in the case of the larger livings though the smaller should be excluded. In such cases the remedy must be applied in the best manner practicable, with reference to the circumstances of each. He thought that in most cases they might rely upon the benevolence of the patrons and wealthier parishioners.

THE LORD CHANCELLOR said, it was impossible to legislate for the case of a living so poor that it could afford neither a pension nor a curate. He thought they might rely upon the zeal of Churchmen to provide against the spiritual destitution of a place so unfortunately circumstanced.

Amendment *agreed to.*

Further Amendments made; Bill to be read 3ª on *Friday* next, and to be *printed,* as amended. (No. 178).

## SEQUESTRATION BILL—(No. 145.)

(*The Lord Bishop of Winchester.*)

THIRD READING. ADJOURNED DEBATE.

Order of the Day for resuming the Adjourned Debate on Motion for Third Reading, read: Debate resumed accordingly.

THE BISHOP OF WINCHESTER said, that having given the matter his best consideration he was willing to accept several of the Amendments suggested by the noble and learned Lord (Lord Cairns); but he did so reluctantly, and in order to facilitate the passing of the Bill, and to secure an instalment of justice. The principle ought to be understood and acted upon that benefices existed for the good of the parishioners, and not merely of the incumbents, and in that view he thought the provision of the Bill which entrusted the removal of a bankrupt clergyman to the Bishop of the diocese was the best course; but he clearly perceived that unless he acceded to the Amendments there would be no chance of carrying the Bill, because their Lordships intimated plainly that unless he consented to give an appeal to the Judicial Committee of the Privy Council he could have no hope of carrying the Bill through. Rather than lose the Bill he was prepared to accede to that demand, although he was convinced there was no necessity for it, and that in suggesting that the appeal should be from the Bishop to the Archbishop he had been proposing nothing new. He might venture to say most distinctly that he never intended, under the guise of bringing in a Bill to remedy a very great abuse and scandal in the Church, to get any more power for the Episcopal Bench; and he thought he might appeal to the noble and learned Lord who had opposed the Bill, to say that he had not intended to impute any such motive. The appeal originally proposed in this case was analogous to that provided in the deprivation of a curate of his curacy. It was not intended that the Archbishop should have the power of taking from a clergyman his freehold, but simply that he should be the instrument to exercise a checking power over the Bishop by declaring, in certain cases, that it was expedient that that which was the law of the land should operate to prevent a clergyman who was utterly and hopelessly bankrupt from leaving his parish in the care of an underpaid curate, while the greater part of the income of his benefice went to satisfy the claims of his creditors. For his own part, he could not see what advantage could be derived from giving an appeal to the Judicial Committee of the Privy Council. In a case where a Bishop or an Archbishop had given judgment against a clergyman on the ground that he had preached false doctrine, there might be good ground for permitting an appeal to the Privy Council, because it was possible that the Bishop or the Archbishop might have misjudged the case; but all that would have to be done by the Bishop or the Archbishop under the Bill would be to determine whether, the facts of the case being beyond dispute, the law should be enforced against the bankrupt clergyman, and he saw no ground in such a case for an appeal to the Privy Council. The Bill, as proposed to be altered by the noble and learned Lord, would at any rate give an instalment of the principle for which he contended, by enabling the Bishop, where an incumbent had been declared bankrupt, to make such provision for the performance of the spiritual duties of the office by appointing curates, and paying the necessary stipends. This would be an admission so far that the clergyman was not to have a right to give his benefice as security to an unlimited amount to his creditors; and, as he had previously observed, rather than lose the Bill he would accept the suggestions of his noble and learned Friend.

Lord CAIRNS entirely agreed with the right rev. Prelate (the Bishop of Winchester) as to the motives which had actuated those who had introduced this measure. The Bill had been introduced to remedy what had been most properly described as a very great scandal, arising in cases where the incumbent of a benefice had become bankrupt, where the parish was left in the hands of an improperly paid curate, and where the income of the benefice was enjoyed by the creditors of the incumbent. All were agreed upon the necessity that existed for devising some means for obviating such an evil, and the only question that could arise upon the matter was as to the mode of effecting the object which all had in view. It was scarcely necessary for the right rev. Prelate to have disclaimed any intention of surreptitiously increasing the power of the Episcopal Bench by means of this Bill, because no one had ever thought of bringing such a charge against him. There was no foundation for any suggestion of the kind, and it would be most unfortunate if they were unable to discuss the merits of measures that might be proposed without imagining there was some underhand motive on the part of those who brought them forward. There were two ways by which the scandal to which he had adverted might be obviated—one was to give greater latitude to the Bishop of the diocese than at present existed to appropriate the income of the benefice to the spiritual wants of the parish, and the other was to allow the benefice after a certain lapse of time to be declared vacant and to be filled up in the ordinary course. He confessed he had a preference for the first method and a great objection to the latter. The Bill proposed to give the power to the Bishop in the first instance, with an appeal to the Archbishop. Since then it was clear that the Bishop or the Archbishop would have to exercise a judicial discretion under the Bill, he saw no reason why in this case the ordinary course in relation to ecclesiastical matters should not be followed, and an appeal lie to the Privy Council. The course taken by the right rev. Prelate now was the right one. They should hold their hand, and not go further than was necessary at present.

On Question, That the Bill be read 3ª? *Resolved* in the *Affirmative.*

Bill read 3ª accordingly.

Amendments made; Bill *passed,* and sent to the Commons.

## MEDICAL ACT (1858) AMENDMENT BILL—(No. 173.)

(*The Lord President.*)

REPORT.

Amendments *reported* (according to Order).

Further Amendments made.

THE EARL OF LICHFIELD said, he felt that an apology was due from him, for venturing at this late stage of the Bill to introduce an Amendment of considerable importance; but he believed he should be justified in doing so, even at a very short notice, if it should appear that the object of the Amendment was to carry out an almost unanimous feeling of the medical profession. In asking for such a representation on the General Medical Council as his Amendment would give them, the profession were not seeking to advance their own interests, but were actuated by a desire to promote the interests of the public. It appeared to him that they were indebted to the profession for the Bill introduced in 1858, and also for the Bill now before their Lordships. He had heard several objections made to the direct representation asked for by the profession. It was said that the medical body was represented indirectly, if not directly, on the Medical Council. Now, if it had no direct voice in the constitution of the Colleges and Universities—and it was only necessary to look into the pages of the medical calendars to see that it had not—it could not have an indirect representation on the Medical Council. It was urged also that a direct representation of the profession on the Council would not be worth the trouble and expense which it would involve; but he believed that the registration of the whole profession, established by the Act of 1858, rendered the carrying out of the object of his Amendment a very easy matter. Another objection was that the addition of eight members to the Council would make it too unwieldy. This was a matter of detail, and the difficulty might be met by linking together some more of the Colleges. A Petition emanating from some 4,000 members of the profession, a memorial presented to the President of the Council, and meetings held at Oxford, Leeds, Edinburgh, and Dublin, all went to show how strong was the opinion of the profession in favour of direct representation. Even at a meeting of the General Council held to consider the clauses of this Bill, a resolution was brought forward by one of the nominees of the Government strongly recommending a larger representation, though an indirect representation. A long discussion ensued, and a decided feeling was manifested by the Council in favour of a better representation of the medical profession. He was certain their Lordships would not desire to pass a measure which would not be acceptable to the profession at large, and therefore he proposed to insert a new clause, to the effect that the General Medical Council after the passing of that Act should always contain four representatives elected by the registered members of the medical profession residing in England and Wales, two representatives elected by the registered members of the profession in Scotland, and also two elected by the profession in Ireland. Although he did not wish to pledge himself as to that being the exact number or proportion of representatives of the profession who ought to sit in the General Medical Council, yet he thought their Lordships should not allow the Bill in its present shape to leave the House without at least giving to that which was really the desire of the medical profession generally a fair consideration.

*Moved,* to insert the following new Clause:—

"The General Medical Council shall, after the passing of this Act, always contain four representatives elected by the registered members of the medical profession residing in England and Wales, two representatives elected by the registered members of the profession residing in Scotland, and two representatives elected by the registered members of the profession residing in Ireland."—(*The Earl of Lichfield.*)

EARL DE GREY AND RIPON said, he concluded from the concluding observations of the noble Earl, and from the nature of his clause itself, that it was not his intention now to press his Amendment on their Lordships for adoption. The noble Earl's object, no doubt, was simply to raise a discussion on the question whether such a change as he suggested was desirable, and whether this was the best time to carry it into effect. It was clear that the clause could not be admitted into the Bill, inasmuch as no machinery was provided for the election of the proposed representatives of the medical profession. Although the noble Earl might think it an exceedingly easy matter to have persons elected by the universal suffrage of the medical profession, yet that could not be done by simply enacting that it should be done, without supplying any machinery for carrying it practically into effect. The noble Earl had spoken as if there could be no question that the General Medical Council should be representative of the medical profession; but whether a body ought to be representative or not depended very much on the functions it had to discharge. In his view the functions of the General Medical Council might be rather called executive than properly representative. He was aware that many members of the profession desired to impose on the Council duties which would be more likely to be properly performed by a body largely containing a representative element; but he strongly doubted the advisability of that extension of its functions, and—speaking generally and with due reserve—he did not think it would be expedient to extend the functions of the Council in a greater degree than was proposed under the Bill. With regard to the number of members on the Council, he was inclined to think it was too large rather than not large enough, and that the proposed addition of eight members would be a serious hindrance to the proper transaction of its business—which was not that of a debating society, but should be confined as much as possible to duties of an executive description. He believed, however, that the Council was fully representative of the intelligence of the medical profession. It contained not only several most eminent members of the existing corporations, but also six members appointed by the Crown, who might be taken not merely from the profession but from the general body of the public, whose interests were concerned in the matter as well as those of the profession. The principal duty of the Council under the Bill would be to conduct the examinations by which persons were to be admitted to the medical profession. It had another duty to perform as regarded those already in the profession — namely, that of striking practitioners off the register for proved offences; but that was a function of a strictly judicial character, to be exercised in a strictly judicial spirit, and it hardly formed a ground for giving to the body which exercised it more of a representative character. With these views, he should be ready to give his very careful consideration to any complete scheme which the noble Earl might propose on that subject. Had his noble Friend proposed his Amendment at an earlier stage of the Bill, he should have given it his careful consideration; but he owned it did not appear to him that this was the right moment when such a change should be made, nor did he think it a change from which the public or the profession in reality would derive advantage. He, therefore, ventured to suggest that the noble Earl should not press his clause on that occasion, but that the Bill, which had a distinct object quite separate from that aimed at by the clause, should be allowed to pass.

THE MARQUESS OF CLANRICARDE regretted that the noble Earl the President of the Council had refused his assent to this clause. Notwithstanding the objections taken to it by that noble Earl, he thought there ought to be an element representative of the medical profession in the Council, and that without it the Council would be neither so authoritative nor so popular as it deserved to be. The only tangible objection urged by the noble Earl to the clause seemed to be its insufficiency in respect of the machinery for electing representatives; but such machinery could very easily be devised. As it stood, the Bill would not give satisfaction either to the public or to the profession, and it ought not to be sent down by their Lordships in its present shape to the other House. Unless the measure underwent material amendment he should, therefore, feel it his duty to move its rejection on the third reading.

EARL GREY admitted that without the required machinery it would be idle to insert the clause, and that at that late stage it might be difficult to add to the Bill the provisions necessary to give effect to this proposal. He also thought the President of the Council was right in objecting to make the Council too numerous. But he regretted that in effecting what was, he believed, a valuable reform in respect to the medical profession, some means had not been devised by which, without rendering the Council too unwieldy, the medical profession at large, as distinguished from the medical corporations, should be enabled to make its voice heard in the deliberations of that body.

THE MARQUESS OF SALISBURY wished to say a word, lest there might be an appearance of unanimity on this subject which did not really exist. He had no doubt that if the Amendment had been proposed when their Lordships had met to discuss the Bill at the usual stage, the proposition to apply the elective principle to a body which had such functions to discharge as would fall to the Medical Council to discharge, would not have been received with much favour. The experiment of electing an executive body by a profession widely dispersed, having no means of communication or of forming a public opinion except through the medium of newspapers, was something so new—not having been applied to any other body in this country—that he should regard it with great suspicion. He had not heard that any of the more eminent members of the medical profession were anxious for the proposed change. His own opinion was that they were content with the present constitution of the Medical Council, and that they would look upon this change as tending to introduce political controversy where peace now existed.

EARL DE GREY AND RIPON said, the noble Marquess (the Marquess of Clanricarde) was mistaken in supposing that the number of entrances to the profession would be increased by the Bill in its present shape, and that the controlling power of the Government was weakened. The fact was under the Bill there would be only a triple door of entrance—namely, the examination of the conjoint Board in the three divisions of the country. All that the 18th clause permitted was, that the existing Universities might give their degrees to whom they liked; but such degrees would confer no right to be placed on the registry, and if the holders of them called themselves by these titles for the purpose of practising, they would be liable, under the 21st clause, to very heavy penalties. There would, therefore, be but this triple door instead of the 19 distinct and separate entrances which now existed. He hoped his noble Friend would not pursue the course of opposing the Bill on the third reading, as he had intimated. His noble Friend did not object to the constitution of the Medical Council in Committee, where all his objections might have been fully and fairly discussed, and, therefore, he trusted he would not attempt to stop the measure at its last stage.

THE EARL OF LICHFIELD said, his object had been gained when he heard his noble Friend's statement that if the Amendment had been brought forward at an earlier stage he would have taken the subject into consideration. He would not, therefore, press the Amendment. As to the remark of the noble Marquess opposite (the Marquess of Salisbury) that the leading members of the profession were not in favour of the clause, he begged to say that there was a strong feeling on the part of the leading members of the profession—even of those who were nominees of the Government, and sitting in the General Council—that the Council would not exercise the influence which it ought to possess owing to the fact of its not sufficiently representing the profession at large.

Amendment (by Leave of the House) *withdrawn.*

Bill to be read $3^a$ *To-morrow.*

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

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# HOUSE OF COMMONS,

*Monday, 4th July,* 1870.

MINUTES.]—WAYS AND MEANS—*considered in Committee*—Consolidated Fund (£9,000,000).

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Shipping Dues Exemption Act (1867) Amendment * [194].

*Ordered—First Reading*—Sheriffs (Scotland) Act (1853) Amendment, &c. * [191]; Paupers Conveyance (Expenses) * [193]; Shannon Navigation * [192].

*Second Reading*—Dublin City Voters Disfranchisement [184]; Local Government Supplemental (No. 3) * [188]; Benefit Building Societies * [116].

*Committee* — Elementary Education (*re-comm.*) [167]—R.P.

*Committee—Report—* Extradition [138]; Magistrates, &c. Election (Scotland)* [177]; Pier and Harbour Orders Confirmation (No. 2) (*re-comm.*)* [178]; East India Contracts* [186]; Settled Estates * [110].
*Considered as amended—*University Tests [103]; Life Assurance Companies * [2].
*Considered as amended—Third Reading—*Charitable Funds Investment* [168]; Rents and Periodical Payments * [169].
*Third Reading—*Curragh of Kildare * [175], and *passed.*
*Withdrawn —* Inclosure Amendment* [119]; Valuation of Lands and Assessments (Scotland) (*re-comm.*)* [179].

## NAVY—DISCHARGED PORTSMOUTH DOCKYARD MEN.—QUESTION.

MR. STONE said, he would beg to ask the First Lord of the Admiralty, Whether a Memorial has been received at the Admiralty from discharged Portsmouth Dockyard men, in which it is stated that the Memorialists have had difficulty in obtaining employment, owing to an impression produced on the minds of employers by certain expressions used by the First Lord, to the effect that the men discharged were either incompetent workmen or of indifferent character; and, whether he has any objection to state publicly that the words used by him did not apply to all the men who have been discharged, and that in fact many of them are able-bodied and skilful workmen of good character?

MR. BAXTER said, in reply, that a memorial such as that referred to by his hon. Friend had been received at the Admiralty; but, on referring to it, he found that the expressions said to have been used by the First Lord were not quoted. His right hon. Friend was quite unaware of having used words which could be so interpreted, as there could not be a doubt that many able-bodied good workmen had to be discharged on the reduction of the force.

## IRELAND—MR. GEORGE IRWIN.

### QUESTION.

THE O'CONOR DON said, he wished to ask the Secretary to the Treasury, Whether Mr. George Irwin, whose name appears on the Schedule to the Report of the City of Dublin Election Commission as having been a Freeman guilty of corrupt practices at that Election, is one of the Divisional Superintendents of the General Valuation Office; and, whether he is the same person who was removed some years ago from superintending the revision of the borough of Bandon, in consequence of a representation being made that, in the opinion of a large number of the inhabitants of that borough, his political feelings had interfered with his duties as revisor; and, if so, whether, considering that the elective franchise in Ireland is dependent on the valuation, it is desirable that Mr. Irwin should continue in charge of the revision of the valuation of a large portion of that Country?

MR. STANSFELD, in reply, said, the name of Mr. George Irwin appeared in Schedule M of the Report of the Dublin Election Commission; as having been found guilty of aiding and abetting in the corrupt practices mentioned in Schedule A. That gentleman was the same person who was removed from the local administration of the revision at Bandon some years ago, in consequence of a report he made as to the valuation of property. These facts formed serious grounds for the consideration of the Government whether it would be possible or justifiable to retain the gentleman in the position he now held. When the materials for forming a judgment on the case came to hand he would acquaint the hon. Member of the circumstance, so that he might repeat the Question.

## RIOT AT NEWPORT ELECTION.

### QUESTION.

MR. SEELY said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that the Returning Officer for the county of the Isle of Wight addressed, on the 4th day of June last, a letter to the Bench of County Magistrates at Newport, stating that he had reason to fear that disturbances would take place at the approaching Election, and praying that the County Police might assist the Borough Police in keeping the peace, and that the letter was immediately forwarded to Captain Forrest, the chief constable of the county of Hants; also that on the same day a letter was sent to the Mayor of Newport by Mr. Secretary Bruce, informing him that at the Election of 1868 there had been disturbance at Newport and ill-usage of persons by the mob, and reminding him that, should the local force of police be insufficient to ensure the protection of electors and candidates at the ensuing Election, it was open to him, under the 22nd and 23rd Vic. c. 32, s. 2, to call in the assistance of the County Police; whether on the 6th day of June last, the Mayor of Newport sent a Copy of the letter to Captain Forrest, and required him to direct a sufficient number of county constables to act within the borough of Newport on the day of nomination and on the day of polling; that Captain Forrest refused to do so, and that the Mayor of Newport attributes the disturbances which took place on the day of polling to such refusal; that ten men have been committed for trial, charged with rioting at Newport on that day; and, whether he is prepared to take any measures likely to prevent such proceedings at future Elections for the County of the Isle of Wight?

Mr. BRUCE said, in reply, that it was true that the returning officer for the county of the Isle of Wight addressed a letter to the county magistrates at Newport, in which, anticipating disturbances at the Newport election, he prayed that the county police might assist the borough police, and the letter was forwarded to Captain Forrest, the chief constable of the county of Hants; that the Home Secretary warned the Mayor of Newport that a riot had occurred at the election in 1868, and that under the 22nd & 23rd *Vict.* c. 32, s. 2, it was open to him to call in the assistance of the county police; that the Mayor communicated with Captain Forrest, who said he was unable to furnish the required assistance, and did not furnish any further explanation; and that a riot occurred and 10 men had been committed for trial. As the chief constable was responsible to the county justices, he had forwarded the chief constable's letter to them, and they would no doubt take it into their consideration. As to whether he was prepared to take any measures likely to prevent such proceedings at future elections, he must say he thought these disturbances had partly arisen from the fact that some boroughs would insist upon having an independent constabulary force of their own. Newport had a force of only five policemen; at the time of the election the county police were otherwise engaged; and, under the circumstances, it was not to be wondered at that sufficient means were not at hand for preserving the peace in the borough of Newport.

## INDIA—THE BROTHERS ISLANDS.

### QUESTION.

Mr. GOURLEY said, he wished to ask the Under Secretary of State for India, If his attention has been called to the statement made by Mr. J. C. Parkinson, in his work recently published on the "Ocean Telegraph to India," that the "Brothers' Islands," in the Red Sea, are inaccurately marked on the Admiralty Charts; and, when it is intended to commence the improved survey of the Red Sea and Gulf of Suez, promised by the First Lord of the Admiralty on the 29th April?

Mr. GRANT DUFF: Sir, my attention was called to this matter by the hon. Member's Question, and the best answer I can give is to read the memorandum which has been sent to me by the Hydrographer of the Admiralty—

> "In regard to the position of the 'Brothers Islands' in the Red Sea a discrepancy was observed and reported by one of Her Majesty's Indian troopships, and this has lately been verified by the *Great Eastern.* The chart has, therefore, been corrected, and the usual notice made public. The error, however, was not of a serious nature."

On the question of a rectification of the surveys of the Gulf of Suez and Red Sea, Her Majesty's Government has been in communication with the Government of the Emperor of the French with the view to a joint action in the undertaking, and it is hoped that operations will be commenced, as soon as the season will permit, in October or November.

## CENSUS OF 1871—RELIGIOUS DENOMINATIONS.—QUESTION.

Sir FREDERICK W. HEYGATE said, he would beg to ask the Secretary of State for the Home Department, Whether the Bill about to be brought in for taking the Census in 1871 will contain a provision for ascertaining the number of persons professing to belong to the various religious denominations existing in England, Scotland, and Ireland?

Mr. BRUCE said, in reply, that in Ireland there would be what was called a religious Census. As to Scotland, there was great opposition in 1860 to a proposed religious Census; but it appeared that now there was a general desire that there should be such a

Census in Scotland, and it would therefore be taken. In England he regretted to say there was the same opposition which was exhibited by various religious bodies in 1860; and, as Her Majesty's Government was of opinion that no such Census could be carried to a successful result without the willing co-operation of all the persons engaged, it was not proposed to attempt it.

### KING'S LYNN ELECTION.—QUESTION.

**LORD CLAUD JOHN HAMILTON** said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that at the late Election at King's Lynn, in December, 1869, the Chief Constable of Norfolk declined to accede to the application of the Magistrates of that borough for a force of County Constabulary on the nomination and polling days, and that the preservation of life and property in a borough of 18,000 inhabitants depended during those days upon 18 borough policemen and a detachment of military; and, whether he will take any steps to remedy this state of affairs on a future occasion?

**MR. BRUCE** replied that he had received a full answer from the chief constable of Norfolk as to the reasons why he had not been able to send the required assistance at the election of 1869. He stated that on all previous occasions he had furnished county police to King's Lynn when they were asked; but on the occasion of the election referred to by the noble Lord the police, only 200 in number, were engaged on other duties, and the requisition from King's Lynn was for 75 men. The chief constable added that he hoped his willingness to assist King's Lynn on former occasions would not lead to the belief that the demand was made as a matter of right, and that this was one of the evils of small independent police establishments. He (Mr. Bruce) must confirm the opinion expressed by the chief constable that this was one of the evils of the subdivision of the police force.

### POST OFFICE—POSTAL WEIGHT OF ENGLISH AND FOREIGN LETTERS.

#### QUESTION.

**MR. J. B. SMITH** said, he would beg to ask the Postmaster General, Whether, with the view to prevent the existing losses on our postal transactions with France and other Countries, the time is not arrived to carry out the recommendation of the Standard Commissioners to adopt the French gram as the postal weight both for English and Foreign letters, before the contemplated postal changes are adopted for the carrying of letters, newspapers, and parcels in this Country?

**THE MARQUESS OF HARTINGTON** said, in reply, that it was not intended at present to take any steps to carry out the recommendation of the Standard Commissioners that we should adopt it, and, although there was a small loss in our postal transactions with France, it was balanced under the Convention by a favourable rate of exchange, which gave us an advantage in excess of our loss.

### INDIA—NAWAB NAZIM OF BENGAL.

#### QUESTION.

**LORD RONALD GOWER** said, he wished to ask the Under Secretary of State for India, When an answer may be expected to arrive at the India Office regarding the Memorial from the Nawab Nazim of Bengal, which was received at the India Office on the 29th of July last year, and forwarded to the Governor General, by whom it was received in February last; and, if any reasons can be assigned for the delay which has taken place in arriving at a decision respecting the contents of the said Memorial?

**MR. GRANT DUFF**: In reply, Sir, to the noble Lord's first Question, I have to say that I have no means of forming any opinion as to when an answer to the Nawab Nazim's memorial may be expected. I know that very elaborate document is engaging the attention of the authorities in India, who are anxious to push on its consideration as much as possible, but I know also that the case is a most intricate one, demanding much historical official research, extending over a century. In reply to the noble Lord's second Question, I know nothing of any avoidable delay having occurred other than the trifling delay arising from an accident in one of the public offices in Calcutta, which I mentioned some time ago in answer to a Question in this House.

### PARLIAMENTARY REPRESENTATION—THE METROPOLIS.—QUESTION.

CAPTAIN GROSVENOR said, he would beg to ask the First Lord of the Treasury, Whether, in any allotment of seats resulting from the disfranchisement of certain boroughs, Her Majesty's Government will undertake to consider the claim of the Metropolitan Constituencies to additional representation?

MR. GLADSTONE replied, that it would undoubtedly be the duty of the Government to consider the claims of the metropolitan constituencies to additional representation in conjunction with those of other portions of the country, whenever, in consequence of the disfranchisement of boroughs, it might be of public interest to have the matter settled; but, in the judgment of the Government, that time had not yet arrived.

### METROPOLIS SEWAGE.—QUESTION.

MR. J. HOWARD said, he wished to ask the First Commissioner of Works, Whether the effect of the Thames Navigation Bill, as amended, will not be to throw upon the same body of Ratepayers who already bear the expense of pumping the sewage of London into the Thames, the further expense of dredging it out; and, whether he will state the reasons, if any, why he does not call upon the Metropolitan Board of Works to enforce the carrying out of the Contract made between the said Board and the Metropolis Sewage and Essex Reclamation Company, for the diversion from the Thames of the sewage of the northern area of the Metropolis, which contract was confirmed by the Act 28 Vic. c. 121, intituled "The Metropolis Sewage and Essex Reclamation Act, 1865?"

MR. AYRTON replied, that the Bill had not yet been sanctioned, but a Bill had passed through a Committee of that House, and had received the assent of a Committee of the House of Lords, providing that if the Thames navigation was obstructed by reason of any solid deposits from the flow of sewage into the Thames, those obstructions should be removed by the Metropolitan Board at the expense of the ratepayers. If the Metropolitan Board should find it more convenient to prevent solid matter going into the river, instead of removing it, they would be at liberty to do so. With regard to the second Question, he might state that a company was established some few years ago for applying the sewage on the northern side of the Thames for the purpose of irrigation; but the company had not prospered, and had done little or nothing beyond receiving a great deal of money from the public. In such a state of things no doubt efforts would be made by those interested in the company to transfer the loss from the shareholders to the ratepayers, and it was the duty of that House to take care that the company should be made to bear its own loss. The Metropolitan Board was taking all the steps it could to deal with the subject, and he had no doubt its members would watch over the interests of the public, and compel the company to fulfil its obligations. This was a question which could not be dealt with superficially, because it was generally understood that no town could deal with its sewage unless it had power to take land for the purposes of irrigation. The question, so far as regarded the metropolis, was an enormous one, and no doubt it would have to be dealt with by the local authorities.

### SCOTLAND—SHERIFFSHIPS.
### QUESTION.

SIR ROBERT ANSTRUTHER said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to fill up the Sheriffships at present vacant in Scotland?

MR. BRUCE replied, that it was proposed to unite Kincardine with Aberdeen. With respect to Shetland and Orkney it was proposed that they should be united with Caithness, which was united with Sutherland. In that case the sheriff of Sutherland would also be appointed Sheriff of Ross. With regard to Fife, a sheriff would be appointed, and when a vacancy occurred in Clackmannan and Kinross, they would be united with Fife. These arrangements were substantially in consonance with the recommendations of the Scotch Judicature Commission.

### SCOTLAND—SCOTCH BILLS.
### QUESTION.

SIR DAVID WEDDERBURN said, he wished to ask the Lord Advocate, Whether he intends to proceed during the Session with any of the various Bills affecting Scotland which he has laid upon the Table of the House; and, if so, whether he will name the measures with which he intends to persevere; and whether he can state that he has a reasonable prospect of obtaining one Government day for the discussion of such measures?

THE LORD ADVOCATE replied, that it was his intention to proceed with the Scotch measures he had laid on the Table with two exceptions—namely, the Feudal Tenures Bill and the Land Valuation Bill, and he had a reasonable prospect of obtaining a Government day for the discussion of the Bills to be proceeded with.

## CUSTOM HOUSE CLERKS.

### QUESTION.

SIR HENRY HOARE said, he wished to ask the Secretary to the Treasury, On what grounds a decision has been arrived at not to grant the increased rate of pay to the Custom House Clerks which was recommended by a Government Commission in 1868, and which resulted in a Treasury Minute dated 28th November 1868, granting the said increase from the 1st April 1869?

MR. STANSFELD said, in reply, that no such decision had been come to. The matter was postponed for further consideration.

## NATURAL HISTORY MUSEUM.

### QUESTION.

MR. BERESFORD HOPE said, he would beg to ask Mr. Chancellor of the Exchequer, What steps Her Majesty's Government are taking to erect the new Natural History Museum on the Thames Embankment, as unanimously recommended by a Select Committee of last Session on the suggestion of Mr. Layard, then First Commissioner of Works, and with the approbation of the heads of the Natural History Department of the British Museum?

THE CHANCELLOR OF THE EXCHEQUER replied, that the Report of the Select Committee, which was entitled to every respect as far as relates to the merits of the question, could not be carried into effect without taking away a considerable quantity of land which had already been dedicated by Act of Parliament for the purpose of forming gardens and ornamental ground. The Government, after considering the Report and not denying the excellence of the plan suggested, were nevertheless not prepared to come to the House and ask for power for carrying out the arrangements which were recommended in this Report. The Government, therefore, had taken no steps in the direction indicated by the hon. Gentleman.

## PARLIAMENT—REFRESHMENT ROOMS FOR MEMBERS.—QUESTION.

MR. BENTINCK said, he wished to ask the First Commissioner of Works, Whether he intends to propose a Vote during the present Session for providing new Refreshment Rooms for the Members of this House; whether he intends to adopt the Plan which is appended to the Report of the Select Committee of the House, dated 25th May last, and which has been altered by Captain Galton from the Plan of Mr. Barry, approved last year by the then First Commissioner of Works and by the Select Committee of the House of Lords; whether he has considered the objections raised by the Select Committee of the House of Lords in their Second Report to the altered Plan, and whether the altered Plan has been submitted to and approved by a competent professional architect; and, whether the preparation and execution of the final Plan will be entrusted to Mr. Barry or to some other competent professional architect?

MR. AYRTON said, in reply, that it was not for him to propose a Vote on the subject; but last year a Committee was appointed to inquire into the expediency of having new refreshment rooms for both Houses. Plans were laid before the Committee involving an expenditure of not less than £24,000, and the Committee did not recommend those plans. This year he moved for a Committee of a similar kind, and that Committee, having considered the plan laid before them, unanimously approved it. That plan was prepared by the officers of the Board of Works in consequence of his directions in reference to what he considered would be convenient to hon. Members. But while the Committee of that House was proceeding, the Lords'

Committee presented a Report, proposing to deal with the matter in a peremptory manner, and hon. Members who had read it would be able to judge how far it was consistent with the just authority of the Crown and with what was due to the House of Commons. After the Report was presented to the House, approving the plan as relates to the convenience of hon. Members, the Lords' Committee presented a further Report, and hon. Members who had read it might judge how far that Report also was consistent with the just authority of the Crown or with what was due to the House of Commons. These Reports were of such a nature that he felt it his duty to bring them under the consideration of the Government in conjunction with the Report of the Committee of that House. They involved very important questions; and, no doubt, the result would be that an arrangement would be made as regarded the wishes of the other House of Parliament which would enable the plan sanctioned by the Committee of this House to be carried into effect. No Estimate could be laid on the Table till the Government had come to a decision on the subject; but he expected that decision to be agreed to in a very few days, when an Estimate would be submitted for the consideration of the House. The plans had been prepared by officers of the Department of Works, who were perfectly competent to deal with the question. They were competent to perform the function of architects, and they would perform it much better than it had hitherto been performed.

## PRISON MINISTERS AND PRISONS ACTS.—QUESTION.

Mr. MAGUIRE said, he would beg to ask the Secretary of State for the Home Department, What are the intentions of the Government with respect to the recommendations in the Report of the Select Committee on the operation of the Prison Ministers and Prisons Acts?

Mr. BRUCE, in reply, said, his hon. Friend could hardly expect that the Government could undertake to legislate on that matter this Session. The Report, however, appeared to offer a very fair solution of a very difficult question, and he hoped next Session to bring in a Bill on the subject.

## ASSISTANT SURVEYOR OF WORKS.

### QUESTION.

Mr. BERESFORD HOPE said, he wished to ask the First Commissioner of Works, Whether it is true that it is in contemplation to create a new office of Assistant Surveyor of Works, and whether he has any objection to lay before the House the conditions of appointment and the qualifications required for the office, and in particular, whether he will state if the new Assistant Surveyor will be required "to design and superintend the execution of new buildings," and "should also be capable of making technical reports properly composed and spelt?"

Mr. AYRTON, in reply, said, he thought the Question of the hon. Member was founded on some misconception. What had occurred was this—In consequence of the increase of duties thrown on the Office of Works it was found necessary to appoint an additional assistant surveyor, precisely on the same footing as the present assistant surveyor. He might have appointed an officer in the exercise of his patronage; but intimation was made to the subordinates in the office that they might compete for the appointment before the Civil Service Commissioners, who did not, however, he was sorry to say, report in favour of any of them. Intimation was then made to the Secretary of the Society of Architects, inviting applications from persons connected with that profession; but the secretary did not think it any part of his duty to make any intimation on the subject. It was, therefore, necessary to put a public notice in the newspapers. A number of applications had been received, and it would be for the Civil Service Commissioners to determine in the usual way what candidate proved himself most fit for the office.

Mr. BERESFORD HOPE said, he wished to ask whether the new Assistant Surveyor would be called on to design buildings?

Mr. AYRTON said, the Civil Service Commissioners would have to prescribe the proper tests. It would be for them to say how far they should insist on qualifications to design buildings.

## PARLIAMENT—PUBLIC BUSINESS.

### OBSERVATIONS.

MR. GLADSTONE: Sir, I wish to postpone the Order of the Day for the second reading of the Parliamentary Elections Bill from to-night till Thursday week. I can confirm what my hon. and learned Friend the Lord Advocate has stated with regard to Public Business. After questions of first urgency immediately before us have been disposed of, we hope we may be able to apply ourselves to the two Scotch Bills on the Paper—the Law of Entail Bill and the Game Bill. With regard to the Parliamentary Elections Bill, the future movements of the Government must somewhat depend on circumstances; but I am willing to hope as long as I can that we may be able to proceed with it. I cannot say I have any very sanguine hopes; but some hopes I shall continue to cherish till we arrive at the time when progress may prove impossible. I wish also to say that there are several other Bills, in addition to the two Scotch Bills mentioned, which we find it will be necessary to abandon—the Real Estate Bill, the Inclosures Bill, and the Turnpike Roads Bill, in lieu of which a Continuance Bill will be introduced by my right hon. Friend the Secretary of State for the Home Department.

MR. MACFIE asked if the Merchant Shipping Bill would be proceeded with during the present Session?

MR. GLADSTONE: I think it probable that Bill will not be proceeded with.

In reply to Lord JOHN MANNERS,

MR. GLADSTONE said, it was the intention of the Government to give a day to the Scotch Bills before proceeding with the Civil Service Estimates.

MR. EYKYN said, he wished to call the attention of the House to the unsatisfactory state of Public Business, very much, as he thought, from the practice of counting out the House. At this period of the Session it was only right that private Members should be afforded opportunities of clearing the Notice Paper; and hon. Members below the Gangway, being for the most part professional men and men in business, felt acutely the position in which they were placed, and considered that they had a fair claim to assistance in this matter at the hands of the Government. They had no chance of bringing forward their Motions unless the Government would take measures to insure a House in the evening after Morning Sittings. For his own part, he should like to see some alteration made in the present system. This was not the only obstruction of business. No later than the 17th of last month the proceedings in the House resembled a walking match at 2 o'clock in the morning, and he almost felt disposed to wonder that the thing had not got into the sporting papers. To put himself in order, he would conclude by moving that this House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Eykyn.*)

MR. HIBBERT said, he was able, in great part, to confirm what his hon. Friend (Mr. Eykyn) had said. He was in this unfortunate position—that he had had a Bill upon the Orders, and had come down to the House on three different occasions when he found that it had been counted out, and these three occasions had occurred since Whitsuntide. But he did not complain so much of the conduct of the Government as he did of the system of Day Sittings. Upon the occasions to which he referred the Government in each case had taken up the earlier hours of the day with Government Business. He thought that, after a Day Sitting occupied with Government Business, private Members who had Motions to bring forward in the evening ought to have the assistance of the Government in keeping a House. But he thought the time had come when the whole system of counting out the House ought to be considered. It struck him that the system was a remnant of barbarous times. ["No, no!"] At all events, it was very little in accordance with the reforms that had lately taken place in the procedure of that House, and the despatch of Public Business. To count out the House was a very proper protection to their constituents when public money was being voted; but that was the only time when the practice ought to be allowed. It was a practice which placed in the hands of a single Member a greater power than 38 others who might be present collectively possessed. The hon. Member for Boston (Mr. Collins), who was certainly very clever in the art of counting out the House, was here on Friday evening within two minutes after 9 o'clock, and he immediately called attention to the fact that there were not 40 Members present. If counting out were to be allowed at all, at least the Member who proposed it should do so from his place in the House, so that it might be known who it was that counted out the House.

Mr. R. N. FOWLER said, as he had a Motion on the Paper on Friday when the House was counted out, he hoped the House would indulge him for one or two minutes. He had no complaint to make against the Government, though he thought the hon. Member for Oldham (Mr. Hibbert), and other supporters of the Ministry who had Notices on the Paper, might fairly complain that the other day, when they had had a Morning Sitting for Government purposes, only two Members of the Government were on the Treasury Bench when the count-out took place. [" Five! "] There were only two when attention was called to the fact, though others might have come in afterwards; but he had not the honour of being a supporter of the Government, and, therefore, he could not ask them to keep a House for him. But though he had no right to complain of the Government, he thought he had a right to complain of a personal and political Friend. It was extraordinary, as the hon. Member for Oldham (Mr. Hibbert) remarked, that on three occasions the House had been counted out by the hon. Member (Mr. Collins), and that on the occasion of the Bill which had been referred to, and of which his hon. and learned Friend (Mr. Collins) professed to be a supporter, he had in the course of two hours made no fewer than 10 Motions for Adjournment, which did no good to anybody—except to those hon. Gentlemen who wished to stand well in the Parliamentary Buff Book, as it gave them an opportunity of making up their score. He was sorry the hon. Member was not present, as he had given him private notice of his intention to allude to his conduct; but it did appear to him that this was an extraordinary method of supporting a Bill. The hon. Member was an old Member of this House, and he (Mr. R. N. Fowler) was a young one; but it did appear to his unsophisticated mind that three counts-out and 10 Motions for Adjournment was a very peculiar mode of supporting a Bill. He did not know what the feelings of the hon. Member for Oldham might be; but were he in his place he should be tempted to apply to this conduct the lines which hon. Members would remember—

> " Of all the evils which Heaven's wrath can send,
> Save me—oh, save me—from a candid friend."

Sir HENRY HOARE said, as a young Member of the House, he must strongly deprecate the abolition of the practice of counts-out. They afforded the only relief to jaded Cabinet Ministers, and the only safeguard to private Members against the lengthy and wearisome speeches to which it had been his fortune now to listen to for 18 months, which he felt was 18 months too much. Counts-out, moreover, afforded the only protection against the crotchets of wearisome would-be legislators.

Sir HENRY SELWIN-IBBETSON said, he did not rise to defend the hon. Member for Boston (Mr. Collins), who was perfectly able to defend himself; but, after what had been said by the hon. Member for Oldham (Mr. Hibbert), he must recall to the recollection of the House that the hon. Member for Boston (Mr. Collins) invariably made his Motion that the House be counted out from his place in the House.

Mr. GLADSTONE: Sir, I think it only necessary to say that the Government have always acknowledged it to be their duty to make some effort on Friday evening for the purpose of securing a House at 9 o'clock. But it is not quite fair to adopt the doctrine of my hon. Friend the Member for Windsor (Mr. Eykyn), who appears to think that, after sitting for 41 hours last week, the Government had nothing to do except to come bodily down on Friday evening for the purpose of constituting the necessary 40 Members. [Mr. Eykyn dissented.] The words went to that—that it was the duty of Members of the Government, as contradistinguished from all other Members of the House, to be here in their own persons even after a week of such labour as that. I was obliged to state at the commencement of this Session that not merely on Friday evening, but at all times, from causes connected in some degree with the improvements of locomotive arrangements out-of-doors, there would be increasing difficulty in keeping the House. I can state, on the part of the Government, that there have been a variety of occasions when not Public Business merely, but important Government Business, has been under discussion between the magical hours of half-past 7 and half-past 9 o'clock, when such has been the decrease of power—for there has not been any decrease of exertion on the part of the Government—that they have been indebted to the compassion of hon. Members for keeping a House. Of course, hon. Members will, to a certain extent, exert their own judgment and look at the nature of the Motions that happen to be on the Notice Paper; and if any want of interest happens to be felt in these Motions, or in such portions of these Motions as are likely to occupy a particular interval, that will tell very powerfully on the attendance of Members at the particular moment. I am very much disposed to agree with my hon. Friend the Member for Oldham (Mr. Hibbert) that the subject deserves some consideration; but it is not quite accurate to say that the House was counted out upon three occasions since Whitsuntide after Morning Sittings; there have been two counts-out after Morning Sittings, and one which had not been so preceded. But my hon. Friend will bear in mind that a count-out of the House, especially on Tuesday, has been a practice that was apt to happen two or three times in the course of every Session. I do not disguise that it is our duty, within reasonable limits, to do what we can for the convenience of private Members. Undoubtedly, the attendance of Members of the Government on Friday night was not large enough to keep the House together; but it is fair to remember that they formed nearly a third of all who were present, and that they had sat the previous night till 2 or 3 in the morning. Considering that the Government is only an 18th or a 20th part of the whole House, I think that is no evidence of their remissness in their duty.

MR. DISRAELI: Sir, I think there is one point that ought to be considered, and that is the necessity of some considerable reserve in ascertaining whether there is a quorum or not when the House re-assembles at 9 o'clock. I know from my own experience, when sitting at the other side of the Table, that when we had Evening Sittings at 9 o'clock there were several occasions on which there was an attempt to count the House almost before Mr. Speaker had taken his seat; and it was only from the practised tact of the right hon. Gentleman, which was beneficially exercised for the sake of the House, that the House was not counted out at that very moment. I am myself disposed not to change our rules and regulations, but to trust rather to the ability of the right hon. Gentleman who presides over us, and the good sense and good feeling of hon. Members. Still, I think this is a point on which there ought to be some reserve. I do not like to propose that, at the right time, it should not be in the power of any Member to ascertain whether there is a quorum or not whenever the House assembles; but I think there ought to be an honourable understanding between both sides of the House not to avail themselves of this privilege the moment that Mr. Speaker takes the Chair. Even if the pending discussion be interesting, or likely to prove of interest, and even if there be a *bonâ fide* desire on the part of Gentlemen in considerable numbers on both sides of the House to be present, it is almost impossible to insure a House being made if practice so very sharp is followed. My own feeling is that I would rather leave it to the gentlemanlike instincts of both sides of the House than have any rigid rule upon the subject; but if an understanding were arrived at that a certain period, say a quarter of an hour, of grace was to be allowed—[An hon. MEMBER: Half an hour]—if a quarter of an hour of grace were allowed after Mr. Speaker has taken his seat before it is attempted to ascertain whether there is a quorum, there would be every opportunity of gratifying the legitimate wish for discussion, if such really existed, and any disagreeable incidents might be avoided.

MR. BOUVERIE: The right hon. Gentleman relies for the success of his proposal on the good feeling of the House itself, a spirit which he has always conspicuously displayed, and against which I certainly have nothing to say. But the objection to the plan is, that Members relying on this quarter of an hour of grace may not come down until it has expired, and when they do arrive may find that the question before the House at the commencement of its sitting, possibly of great importance has, already been disposed of. I think if the right hon. Gentleman opposite (Mr. Disraeli) would say a friendly word in private to the hon. Member (Mr. Collins), who seems to be the chief culprit in this question, it might have a most wholesome influence. But the House must not forget that counts-out upon Friday evenings are a result of our own modern practice. In former times they rarely occurred; because hon. Members knew that if a count-out occurred before the Motion, "That this House at its rising do adjourn to Monday" had been agreed to, it inevitably followed that there must be a meeting of the House upon Saturday; and after it was agreed to the business was Government Business: the result was that counts-out on Friday night very rarely happened. My recollection of the matter is this—Thursday night was an independent Members' night, and they had the advantage of bringing forward their business before the House was exhausted, as it is at present on Fridays, by the labours of the week. Friday night, on the contrary, was a Government night, and there never was such a thing known as a count-out on a Friday. Unfortunately, however, hon. Gentlemen commenced the practice of raising debates on the Question of adjournment to Monday, as they do now on the Motion for going into Committee of Supply. Thus, the Government Business was put off till a late hour in the evening, and sometimes never came on at all—this created dissatisfaction; and the result was that Thursday was made a Government night, Friday being constituted a Supply night, and the Motion for adjournment got rid of; of course it was understood that the Government would make a House and keep a House. All this has been forgotten; and I certainly do not think we can expect hon. Gentlemen who have been sitting here all the week to come down early on Friday evening to keep a House. I am often astonished when I see my right hon. Friend at the head of the Government sitting in his place for so many hours, and when I think of the enormous amount of labour he undergoes. Indeed, one of the evils of the present time is, in my opinion, the tremendous extent to which we tax the physical powers and the intellects of our leading public men. Yet when we see our leading public men prostrated we are surprised to find that the human frame and the human brain will not stand so large an amount of work. If we were less exacting, both with regard to the length of the debates and the demands we are continually making on Ministers to bring in Bills on every conceivable subject, the public service would be greatly benefited, and we should have no more questions about counts-out, which are merely caused by the reaction of a fatigued House.

Mr. OSBORNE MORGAN said, that under the present arrangements it was almost impossible for a private Member to carry an opposed Bill. He himself had introduced a measure at the early period of the Session, and it was read a second time before the end of March; but up to the present time he had failed to get it into Committee.

Mr. GATHORNE HARDY: Sir, I think I ought to say a word in favour of the hon. Member who moved that the House be counted on Friday evening (Mr. Collins). If any hon. Gentleman will take the trouble to look at the Notices which were down for that evening he will not be at all surprised that the Motion was made.

Motion, by leave, *withdrawn.*

## UNIVERSITY TESTS BILL—[Bill 105.]

*(Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster.)*

### CONSIDERATION.

Order for Consideration read.

Bill, as amended, *considered.*

Mr. BENTINCK said, he rose to move a clause to the effect that nothing in the Bill should open any office to any person not a member of the Church of England, where such office was, by the intention of the founder or donor, confined to a member of that Church, and where the income of such office was payable out of the produce of property or moneys given by private persons out of their own resources since the year 1562. He was glad the question had been postponed to the present time, because in the interval there had been an animated discussion on denominational education. It was not known that the Government were prepared to support denominational education in the public elementary schools, and yet they were averse to maintaining it in the Universities. When the Bill was under the consideration of the House last year, the hon. Member for Brighton (Mr. Fawcett) proposed to remove its permissive character and to render it compulsory, but his Amendment was rejected and the Government refused to make any alteration. Indeed, they could not not consistently do so, because, as the endowed schools and the public schools were permitted to retain their denominational character, it was impossible for them to take a different course with regard to the Universities. This year, however, there had been a complete change in the aspect of the question. During the Recess the Government thought fit to throw a sop to hon. Gentlemen below their Gangway, and the Bill was accordingly converted into a compulsory one. It was defended by his hon. and learned Friend the Solicitor General in as subversive and revolutionary a speech in respect to the rights of property as he had ever heard delivered by a Minister. His hon. and learned Friend expressed himself as follows :—

> "Parliament has always asserted its right from the earliest times to deal with property in Mortmain. Every one who gave property in Mortmain, or founded a College, or gave property to a corporation, ecclesiastical or lay, has done so with the knowledge that Parliament could deal with these institutions as they might think fit. The two Universities had been so dealt with by Parliament over and over again, and notably on the occasion when the Acts of Supremacy and Uniformity were passed. He denied any different principle of legislation. The broad principle upon which Government proceeded was that from lapse of time these great institutions had in all cases acquired so thoroughly a national character, and were so far in point of opinion separated from those who founded them, that it was only just that they should be thrown open to a wider range."

While upon this point he (Mr. Bentinck) could only express his surprise that his hon. and learned Friend limited the application of this doctrine to property in mortmain; and it was clear that Parliament had the right and power, if it chose, to deal with any property after the same fashion—even the private property of his hon. and learned Friend. But he (Mr. Bentinck) denied the existence of any such principle as that asserted. It was clearly opposed to law. To show this he would cite a short extract, of the highest authority, contained in a judgment delivered by the late Lord Lyndhurst as the joint opinion of himself and of Baron Alderson and Justice Patteson in the celebrated case of "the Lady Hewley Charities." Lord Lyndhurst said—

> "I agree entirely in the principle stated by the learned Judges (Baron Alderson and Justice Patteson) upon which this case must be decided. In every case of charity where the object be directed to religious purposes, or to purposes purely civil, it is the duty of the Court to give effect to the intent of the founder, provided this can be done without infringing any known rule of law. If the terms of the deed be clear and precise in language, and clear and precise in the application, the course of the Court is free from difficulty. If, on the other hand, the terms which are made use of are doubtful, it becomes the duty of the Court to ascertain by evidence what was the intent of the founder. It is a question of fact to be determined by evidence, and the moment the fact is ascertained the application of the principle is clear and easy. It can scarcely be necessary to cite authorities in support of these principles, they are founded in common sense and common justice. I look upon it that these principles are clear and established—that they admit of no doubt whatever."

He (Mr. Bentinck) ventured to affirm that these principles of common sense and common justice still existed in full force. Moreover, he denied altogether the soundness of his hon. and learned Friend's argument as to the action of Parliament when the Acts of Supremacy and Uniformity were passed. Parliament instead of being as now almost the chief Governing Body in the State, was obliged to do in a great measure whatever the Sovereign desired, and it was idle to say that, because an Act of Supremacy was passed in 1534, and an Act of a similar character on the accession of Queen Elizabeth, the results of such legislation had any application to the present time. He asserted that the doctrine of the Solicitor General was opposed to all Parliamentary legislation of modern times, and he defied him to produce a case where Parliament had deliberately overruled the law and diverted a trust fund which was being beneficially applied according to the intention of the donor from the objects designated. But he (Mr. Bentinck) would now leave the Solicitor General in order to deal with the Prime Minister, who had lately made a declaration entirely contrary to that of his hon. and learned Friend. Last year the right hon. Gentleman broke a silence of four years upon this very question, and then, though admitting a modification of his views, committed himself to the statement that ample liberty should be given to those—

> "Who founded Colleges for the maintenance of their own particular religion with whatever restrictions they thought proper, and that these restrictions ought to be respected as the offspring of conscientious convictions," and added, "he would accede to no Bill without just and adequate securities for religious education in the Universities and Colleges."

Besides, one of the leading principles of the Bill which he had introduced with regard to the Irish Church was that private endowments were to be respected. It was true that he drew a line at the year 1660, on the ground afterwards demolished by the right hon. Member for Buckinghamshire—that this detail did not affect the doctrine clearly stated by the right hon. Gentleman to depend on three conditions, namely—1. The endowment must be from the private resources of a private person. 2. It must be devoted to endowing a particular religious persuasion or system. 3. It must be a gift to the same religious persuasion as that on whose behalf it was to be severed from the mass. He (Mr. Bentinck) could not understand, then, why the same principle should not be applied to the private property of the Church of England in this country. There was no difficulty in fixing a date in the matter, because it must be that of the 39 Articles, and of the Prayer Book as it now stood. He saw no good reason under these circumstances why the right hon. Gentleman should not accept his Amendment. But the right hon. Gentleman, always fertile in expedient, foresaw the difficulty which lay in his path, and consequently had, in his speech on the second reading of the Bill this Session, stated that—

> "It was impossible, he thought, that endowments, which were made before the Reformation —or after the Reformation—at the time when the parties wishing to endow had no choice given them between one religious communion and another, could be regarded as having been finally or absolutely appropriated by the wills of the founders, to the purpose of one communion after the policy of the State had been altered and rival communions became entitled to claim equal civil rights. . . . . Certainly until the passing of the Toleration Act, and possibly until a later period, it would be impracticable for his right hon. Friend to urge an argument to show that the founder of a particular endowment had the Church of England in his views, because, until that time, other religions were not recognized or permitted by the law."—[3 *Hansard*, cci. 1230.]

He (Mr. Bentinck) would accept the challenge and venture to urge an argument which he was quite sure could not be answered. Did the right hon. Gentleman seriously mean to contend that previous to 1688 a man could not know his own mind, and was incapable of making an endowment? Was he prepared to maintain that at the present day it was not possible for any individual in a country in which there was no other religion but one to make to the Church a valid gift? Would the Under Secretary for the Colonies or the Judge Advocate maintain that no Roman Catholic in Rome or Spain was capable of making a gift of that kind? Would he maintain that between 1562-1658 Nonconformists and Roman Catholics were in a frenzy to endow Anglicanism, when many of them preferred death to conformity? Summed up, then, the right hon. Gentleman's argument was this—that a man was debarred from endowing a Church with which he agreed because he was by law prohibited from endowing one with which he disagreed. The only disproof of such a position was by a *reductio ad absurdum*. But if the conclusion of the right hon. Gentleman was not sufficiently preposterous it was upset by himself—for, fixing the date of 1660 in the Irish Church Bill, he had admitted a space of 28 years, during which these private endowments were to be respected. It was useless to argue with the right hon. Gentleman and the majority at his back, that, now that the country had pronounced against secularists, he saw no reason why the Amendment should not be adopted and justice done. But then it was said by his hon. and learned Friend the Solicitor General that the endowments in the case of the Universities ought to confer the largest amount of good on the greatest number. Well, that being so, he believed there was not an instance of a College, either at Oxford or Cambridge, which was not quite full, while as regarded religious teaching he was satisfied, on the best authority, that there existed no objections on the part of the parents of England, whether they belonged to the Church or to the religious Dissenting Bodies; on the contrary, he knew of many instances where Dissenting parents had declined to avail themselves of the option they possessed of withdrawing their sons from the religious instruction of the Colleges. That compulsion which the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) was pleased to call "clerical bombardment," was a pure fallacy, and he (Mr. Bentinck) was bound to say he thought that term most improper for a young Member of this House to apply to the teachers of religion in the Colleges —a body both revered and respected by all who knew them. The noble Lord's knowledge of history was extensive but not deep, or he would have recollected one historical fact of no little importance to himself—namely, that when the "small, obscure, and illiterate village in Wilts"— as the constituency he now represented was termed by his political leader, the right hon. Member for Birmingham (Mr. Bright)—was threatened with disfranchisement, it was saved from such a fate by the exertions of the Conservative party; and on the ground that it usually sent to Parliament a Member favourable to the rights of property, and was at the time represented by the Chancellor of the Exchequer, who was then a strong Conservative, but who had now abandoned his principles to take Office with his chief assailants. The real promoters of this measure were avowed secularists and bitter sectarians, such as the Member for Sheffield (Mr. Hadfield), who to injure the Church or demolish a Bishop would proceed to any length, and for that purpose ally himself with the Pope of Rome, or any earthly power; and he (Mr. Bentinck) held it was a monstrous act of tyranny to deny what the parents of England required, to satisfy a few restless spirits in the University, and a political party who waged war against property in every shape, and were insensible to the principles of common justice and common sense.

COLONEL GRAY seconded the Motion.

Clause (Offices confined to members of the Church of England,)—(*Mr. Bentinck,*)—*brought up,* and read the first time.

THE SOLICITOR GENERAL said, the speech of the hon. Gentleman was, in reality, a carefully prepared reply to what had been said in the debate on the second reading of the Bill. He thought it was rather inconvenient that replies should be made some weeks after the delivery of the speeches to which they referred; it did not tend either to the advantage of the House or to the advantage of Public Business. He did not need to go into a long defence of his "revolutionary and subversive" speech on the second reading, but he adhered to the convictions he then expressed, and he repeated that Parliament had from the earliest times asserted its right to a peculiar and exceptional jurisdiction over property held in mortmain, and that any Englishman who gave land in mortmain did so with the knowledge that Parliament would, from time to time, review the conditions on which that property was held, and might from time to time alter them. If that was a revolutionary opinion he held it, and now asserted it again in the face of the hon. Member. The hon. Member had made a singular mistake in quoting the opinions of Lord Lyndhurst, Mr. Baron Alderson, and Mr. Justice Patteson in support of his arguments, because the duty of the Judges was only to ascertain what was the law, and to apply it to the cases before them whether they approved it or not, and he was the best Judge who adhered most closely to the law and administered it most accurately. Parliament, however, had not to consider what the law was, but what it ought to be, and they sat there to alter and improve the law where they saw it was faulty. The question, therefore, was not what the Judges might have said, but what the House of Commons, from consideration, thought the law ought to be with regard to this matter. It appeared to him that the law might fairly be altered in the sense proposed by this Bill, because, as a broad general principle, and without binding himself to particular cases, he was prepared to repeat that, if a person had given land to religious, ecclesiastical, or educational institutions of any kind, which had had the enjoyment of those endowments for one, two, or three centuries, they had had, according to the principles ordinarily applied to such matters, a very fair share of influence over their fellow-creatures, and if, at the end of that time, the Legislature of the country thought that the property should be applied to other purposes, equally public, but somewhat different in detail from those to which it was originally applied, it would be fair and just that the Legislature should make that application. Nothing could be less to the point than the case of the disestablishment of the Irish Church, because in that case the Church was stripped of all her property, but in this not one sixpence was taken away. All that was done by this Bill was to leave the Church of England equally at liberty to contend for the enjoyment of these possessions with other communities in the country, and it only withdrew an exceptional Parliamentary protection from the holders of particular religious opinions in order to allow persons who held other opinions to compete fairly for honours and emoluments. The Government could not accede to the clause proposed by the hon. Gentleman.

Lord JOHN MANNERS said, the House had been told several times by the hon. and learned Gentleman that Parliament might alter or abolish the trusts on which Church or corporate property was held, because in the days of the Plantagenets laws were enacted restraining the alienation of land in mortmain; but to prevent giving land to religious uses, and to confiscate it after it had been legally given were two very different things; and the hon. and learned Gentleman had entirely omitted to state the reason, which no longer existed, for that early legislation. The Law of Mortmain was enacted when the military defence of the country rested upon the land, and therefore it was necessary to throw impediments in the way of its alienation; but now all that was changed, and from the reign of Queen Elizabeth to George II. land was freely bequeathed. In the latter reign restrictions were revived because of serious abuses which were said to be incident to that form of bequest. He maintained, therefore, that the argument on which the hon. and learned Gentleman relied was wholly without historical foundation. The hon. and learned Gentleman had said that no injustice was done by this Bill, because, although it might be true that property, which was bequeathed by a founder for the exclusive use of a College in connection with the Church of England was thrown open to all other religious denominations, the Church of England was not deprived of that property; but he would ask the hon. and learned Gentleman what he would think of a Bill which professed that his property was not taken away from him although everybody else was allowed to enjoy it? That argument savoured too much of legal subtlety and ingenuity, and did not meet the real and substantial case of injustice that was provided for by the Amendment, which he should consequently support.

Mr. NEWDEGATE said, that he could not entirely agree in the opinion of the noble Lord the Member for South Leicestershire (Lord John Manners) with respect to the law of mortmain, That system of law, in fact, originated in, and was traceable during, the Saxon dynasties of this country. The monastic institutions were broken up during the reign of Henry VIII in deference to its principle, and that principle was acted upon during the reign of Edward VI. Queen Mary procured a statute suspending the law against alienations in mortmain, because she desired the restoration of the monastic and conventual orders of the Church of Rome in all the magnitude of their former possessions. Queen Elizabeth did not re-enact the law of mortmain, because she was anxious to establish a national Church, and therefore let that law fall into abeyance; but the purpose of this Bill was to deprive the Established Church of property, and therefore was contrary to the object of Elizabeth. It was at present the law that no corporation should have a right to establish itself in the possession of that vast influence which the unrestricted holding of land was calculated to confer. The hon. and learned Gentleman seemed to think that House so completely a debating club that speeches were only made there for purposes of the hour, and in order to obtain a majority, and that then they were meant to be forgotten. Now, in his view, past debates were not to be so treated. They were reasons submitted to this Assembly in framing laws intended not for to-day, but for all time, and, however convenient it might be for the Solicitor General to ignore these debates, he could not take that view of them. As to the dicta uttered by Lord Lyndhurst, the case of Lady Hewley's charity was perfectly in point, and the principle on which this Dissenting charity was maintained ought in equity to apply to the maintenance of these possessions of the Church of England. If you took away this property, changing its application and diverting it from the Church of England, you ought in equity to take away and divert the property of every denomination. Hon. Gentlemen might command a majority now, but great principles worked through majorities, and lasted longer than majorities. If this destructive principle were adopted by hon. Gentlemen opposite, their turn would come, and the Roman Catholics, who were now their allies, would certainly turn against them. The doctrine that neither prescription nor length of possession ought to give a title was a novel and a dangerous one, and he saw in it the elements of destruction to all corporate property. Nor would it be limited to all corporate property, but it would tend to the subversion of private property also. He therefore concurred with the hon. Member for Whitehaven, disapproving the Bill as one founded on revolutionary doctrines.

MR. BENTINCK said, he should not have proposed the clause at all if it had not been for the change of policy on the part of the Government in reference to the Elementary Education Bill.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

MR. VERNON HARCOURT said, he understood that the Government intended to accede to the clause of which he had given Notice, providing that a copy of every College charter should be laid before Parliament. The granting of a charter by the Crown was a great act of State with reference to an institution like a College, and, therefore, Parliament should co-operate with the Crown on such a subject. This course had been pursued in the case of the statutes of the public schools; and he, therefore, proposed the clause of which he had given Notice.

Clause,—

(Copy of College Charter to be laid before Parliament.)

(That if, after the passing of this Act a Charter shall be granted to any College or other institution in the nature of a College, a copy of such Charter shall be presented to Parliament, and no such Charter shall be of any force or effect until the expiration of thirty days from the time when it shall have been so presented,)—(*Mr. Vernon Harcourt,*)

—*brought up,* and read the first and second time.

SIR MICHAEL HICKS-BEACH said, the object of the hon. and learned Member (Mr. Vernon Harcourt) was to throw impediments in the way of the future foundation of denominational Colleges; but this was not a matter of very great consequence, for, after the vague way in which the Solicitor General had spoken as to the time for which founders' wills were to be allowed to stand, he did not think much property was likely to be left for the foundation of denominational Colleges, and therefore few charters would be applied for. The Solicitor General also hinted broadly that the Liberal Government would be likely to carry out their principles of religious liberty by refusing to grant charters to foundations for the purpose of securing definite religious instruction to those who might wish for it. He would suggest, however, to the hon. and learned Member that it would be unfair and invidious to limit the clause to Colleges in connection with the Church of England. As the clause stood, it applied only to the Universities of Oxford, Cambridge, and Durham, where other denominations would not be likely to establish Colleges. He did not see why the same hindrance to denominational Colleges should not apply to the Universities of London and Dublin, and also to the Scotch Universities. He did not see why, at the University of London, which, in one respect, was more national than either Oxford or Cambridge, being supported by Imperial taxation, any body of Nonconformists should be permitted, without the knowledge of Parliament, to found a denominational College, while at Oxford, Cambridge, and Durham Churchmen were not allowed to do so. Again, as regarded Dublin, he did not see why, looking at the secret working of the Roman Catholics, and the notorious favour with which denominational Colleges in Dublin were regarded by the Government, the Catholics should be able to obtain, without the sanction of Parliament, a charter for a Roman Catholic College there. He would, therefore, suggest the insertion of the words "within the United Kingdom," after the words "in the nature of a College," making the clause general, instead of limiting it to Oxford, Cambridge, or Durham. It might be said that his Amendment was beyond the scope of the Bill; but would not the same objection apply to the clause? And would not the insertion of the clause involve the alteration of the Preamble of the Bill?

MR. VERNON HARCOURT said, he wished to explain that he framed his clause as widely as he could, and he had hoped to cover all Colleges, and more particularly the University of Dublin. The hon. Baronet would see that in the clause itself there were no words of limitation. He was afraid, from the title of the Bill, that its operation would be restricted to the Universities of Oxford, Cambridge, and Durham; but certainly the clause as it was drawn would apply to all Universities.

SIR MICHAEL HICKS - BEACH said, if he was in Order he should be ready to move words to alter the Preamble; but his object was simply to apply a clause, to which he entirely objected, fairly and impartially to every religious denomination.

MR. BERESFORD HOPE expressed a hope that the Preamble of the Bill would not be altered. He did not approve of the clause, and it would be an unsafe course of legislation to go into such a broad constitutional question as the Prerogative of the Crown on the Bill before the House.

MR. GLADSTONE said, he was obliged to make a double protest against the speech of the hon. Baronet opposite (Sir Michael Hicks - Beach). It was neither just nor in very good taste for the hon. Baronet, without a shadow of evidence, to impute to the Government that they were anxious to promote the establishment of denominational Colleges in Ireland, more especially when the hon. Baronet had been a contented member of a Government which proposed to found and endow out of the Consolidated Fund a denominational College in Ireland. It was perfectly gratuitous on the part of the hon. Baronet to impute what he had imputed to the present Government. The hon. Baronet had expressed himself favourable of denominational education; but regarding the clause as intended to throw impediments in the way of denominational education, the hon. Baronet, while disapproving it, would be satisfied with it if all were made to suffer alike. He (Mr. Gladstone) did not understand the consistency of that process of reasoning; but the hon. Baronet did not fairly describe the clause. As he (Mr. Gladstone) understood it it was not intended to throw impediments in the way of denominational education, but simply to bring any action of the Crown in regard to denominational Colleges under the review of Parliament; and so far it had the approval of the Government. They did not, unfortunately, agree on a former occasion with his hon. and learned Friend (Mr. Vernon Harcourt) with regard to Colleges hereafter to be founded in our Universities, because they thought it desirable to leave the founders free to make them denominational or not, and in that the House agreed; but now his hon. and learned Friend proposed to bring every action of the Crown with reference to charters under the view and control of Parliament, and the Government coincided with him in that object. He was inclined to believe there was something in the observation of the hon. Gentleman the Member for Cambridge University (Mr. Beresford Hope) which required consideration. Looking hastily at the clause, he and the learned Solicitor General thought it was framed on the basis of the provisions of various Acts of Parliament, which required that the action of the Crown in the exercise of its prerogative should be brought under the view of Parliament, but his hon. and learned Friend went a little farther and said—"no such Charter shall have any force or effect until the expiration of 30 days from the time when it shall have been so presented." As far as he was aware analogy did not go so far as that. What was sustained by analogy and precedent was this—that when the Crown had done an executive act within its power, it took immediate effect, notwithstanding that it was liable to be cancelled on the intervention of Parliament. That he thought was the proper form to be given to this clause. It was a different thing to say the Act should be null and void *ab initio* until after a certain time had elapsed. They knew there were proceedings of the Crown that were liable to be cancelled by the intervention of Parliament; but that was a different thing to a matter being cancelled in the manner proposed by the clause. It was a matter of form; but he hoped his hon. and learned Friend would not object to the clause being amended in the manner he had proposed.

SIR ROUNDELL PALMER said, he had heard with a little alarm the words which had fallen from the First Minister of the Crown. It seemed to him that the change his right hon. Friend had recommended, would practically give either

House of Parliament power, by an Address to the Crown, to stop the action of the Crown in granting a charter, which would throw greater difficulties in the foundation of Colleges than the clause as proposed. They ought to pause and consider before they introduced such a limitation as that would be upon the power of the Crown to grant charters. He very much preferred the words of the clause as it stood.

Mr. HORSMAN said, they were using obsolete terms, for now the exercise of the Prerogative of the Crown was, in reality, the act of the Ministry; if a charter was granted, it would be granted by the Ministry; and they ought to have regard to the substance of the proceeding rather than to a phrase. It was the act of the Minister for the time being that Parliament was called upon to approve or object to.

The SOLICITOR GENERAL said, he could not help thinking that too much force had been attributed to the words of the clause by his right hon. Friend the Prime Minister, and he and his right hon. Friend were of opinion that it would be better to leave it as it stood and not attempt to alter it. In the case of colonial Acts reserved for the approval of the Crown, its action did not take effect until they had been submitted to the judgment of both Houses of Parliament for a certain length of time.

Mr. FAWCETT said, the hon. Baronet (Sir Michael Hicks-Beach), if he pressed his Amendment to the clause, would find he had many supporters below the Gangway on that side of the House. He maintained with the hon. Baronet that the same measure ought to be dealt out to the Universities of Oxford, Cambridge, Durham, and Dublin. The London University stood in a somewhat different position to the others, it being in reality simply a Board of examiners. There were no Colleges affiliated to it, and it took no notice where the candidates came from. They had had some reason to be suspicious of the action to be pursued by both sides of the House in reference to education in Ireland. The First Minister had reminded the hon. Baronet that he was a supporter of the party who proposed to grant a charter for a Roman Catholic University in Ireland; but the First Minister and many who sat on the Government Benches with him were members of a Government who, if they had granted a supplemental charter to Queen's College, would have dealt a fatal blow to united education in Ireland. But for an accident the charter would have been granted without being found out. That narrow escape was the reason why they were so anxious that the question of University education in Ireland should be discussed next Session on its merits, and that nothing should be introduced into this Bill that could be treated as a precedent in favour of denominational or any other particular system of education.

Sir MICHAEL HICKS-BEACH said, he would move, to amend the clause by inserting the words "within the United Kingdom." In reply to the attack that had been made upon him by the right hon. Gentleman the First Minister of the Crown, he begged to remind him that the Government of which he was a Member, whilst it supported a Vote of money being granted out of the Consolidated Fund for the establishment of a University in Ireland, would also have supported denominational education in our English Universities; but if denominational Colleges were not to be permitted in England he did not see why they should not be prohibited in Ireland. He wanted to see the two things go together.

Amendment proposed, in line 2 of the Clause, after the second word "College," to insert the words "within the United Kingdom."—(*Sir Michael Hicks-Beach.*)

Question proposed, "That those words be there inserted."

Sir ROUNDELL PALMER said, he would beg to ask Mr. Speaker, whether what was proposed would come within the title of the Bill?

Mr. SPEAKER: The whole question involved in the subject-matter of the Bill may be raised on the Report. Under these circumstances the hon. Member would have power to move such words, although if adopted they would necessitate an alteration in the title of the Bill.

Mr. GLADSTONE said, if there was any doubt as to the regularity of the proceeding, the Government would be prepared to relieve the House from that difficulty, by undertaking to bring in a separate Bill, and pass it themselves, on the terms to which they had now agreed.

Mr. SINCLAIR AYTOUN said, if the Motion of the hon. Baronet (Sir Michael Hicks-Beach) was carried there would be no object in his (Mr. Aytoun's) moving the Amendment which he had on the Paper. He regretted that the hon. and learned Member for Oxford (Mr. Vernon Harcourt) had not gone to a Division on the question of leaving out the words in Clause 3, "subsisting at the time of the passing of this Act." But as that was not done, and as he felt very strongly against the establishment of denominational Universities in Ireland, and feared that if the present occasion was allowed to pass they would be told next year that they objected to denominational education in Ireland because of their dislike to Roman Catholicism, but that they were silent when the same question in regard to Oxford and Cambridge was before the House, he had given notice to move the omission of the words. For his own part, he could not help fearing that there was a strong desire on the part of the Government now in Office to establish denominational education in Ireland, and for that reason he would vote with the hon. Baronet if he went to a Division.

Mr. BERESFORD HOPE trusted his hon. Friend would not proceed to a Division, as he (Mr. B. Hope) would certainly have to go into an opposite Lobby. They had a Bill before them which had been printed and brought under the attention of the country, and his hon. Friend proposed at once to deal with a very important constitutional principle by trying to alter the right of private founders of educational institutions throughout the country to get that stability which a Royal charter gave them. Hitherto there had been only two contracting parties, the body applying for a charter and the Crown who granted it; and, whether this proposal was right or wrong, it should be a matter for a specific Bill brought in and properly debated, and not tossed on the floor of the House as on the present occasion. He trusted, therefore, his hon. Friend would not press the question to a Division.

Mr. VERNON HARCOURT said, he would remind his hon. Friend that there were two parties to withdrawing the Amendment, and a considerable number of Members had no desire whatever that the Amendment should be withdrawn. Since Mr. Speaker had solved his doubt as to whether the question could be raised, he had no hesitation in supporting the Amendment of the hon. Baronet.

Mr. STOPFORD-SACKVILLE said, there was but one opinion in the House, and that was that this was too large a subject to enter upon at that moment. The hon. Baronet (Sir Michael Hicks-Beach) had brought forward the question, which was not in the Preamble of the Bill, in rather a hasty manner, and it was naturally eagerly grasped on the other (the Liberal) side. Under the circumstances, he felt bound to move the adjournment of the debate.

Mr. J. G. TALBOT said, he thought the impolicy of proceeding with the Amendment was shown by the course Her Majesty's Government thought fit to take on the present occasion. They had had one interpretation of the Amendment from the First Minister of the Crown, another from the Solicitor General, who, in his turn, differed from the hon. and learned Member for Richmond (Sir Roundell Palmer). This was a most important question; and though he quite agreed with his hon. Friend (Sir Michael Hicks-Beach), that if they were going to limit denominational education in the Universities of Oxford and Cambridge, they ought to do the same in Dublin, and that they should not subscribe to what seemed to be the doctrine of the Liberal party, that they were only to have liberty on one side, he yet thought there was great force in the point dwelt on by his hon. Friend the Member for Cambridge (Mr. Beresford Hope). Had his hon. Friend (Mr. Vernon Harcourt) considered what he might do if he were successful—that he might alter the Prerogative of the Crown in establishing educational institutions? This was a matter which, as the First Minister of the Crown said, should be considered in a separate Bill. The right hon. Gentleman, in order to satisfy his suspicious adherents below the Gangway, said that he would bring in and pass such a Bill. He thought, no doubt, he could pass anything. However that might be, he thought it extremely inconvenient that the House should arrive at a hasty decision for the purpose of establishing the abstract principle which he believed was not in accordance with the opinion of the House, that denominational education was bad for the world at large.

If hon. Members would not consent to a withdrawal of the Amendment, he hoped his hon. Friend would persist in his Motion for the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Stopford-Sackville.*)

THE SOLICITOR GENERAL said, he could not help thinking that the Government were rather badly treated in this matter. After the statement of his right hon. Friend (Mr. Gladstone), and after having twice divided against a number of their most earnest supporters, not in defence so much of denominational education as of leaving future founders as free as possible, it was rather hard to be accused of insincerity. What was the position in which they were now placed. Here was a measure which dealt with these Universities—a question of future charters, and of charters to future Colleges in those Universities. His hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) raised a question which, if not within the principle of the Bill, was cognate to the Bill, and sufficiently connected with it to form part of it. Well, the hon. Baronet opposite (Sir Michael Hicks-Beach), because he thought the Government were not sincere about denominational education, moved an Amendment, extending the whole scope of the Bill far beyond the Universities of Oxford, and Cambridge, and Durham—extending it all over the Kingdom, and limiting the power of the Crown, with a view of producing, as he said, some indirect effect in Ireland. Now, so far as the Government was concerned, they had not the slightest objection to placing on the Table of the House the charter of any College, or intended College, 30 days before it could take effect. They were prepared, as his right hon. Friend had said, to bring in a Bill dealing with the matter in the broadest way, and bringing to bear the control of Parliament on such charters hereafter. Surely, it was better that a matter of this kind, in which an important Prerogative of the Crown was concerned, should be properly and directly dealt with, in a separate Bill, and not in the hasty manner in which they must deal with it if the hon. Baronet proceeded to a Division. He trusted that hon. Gentlemen sitting below the Gangway would accept the assurance that there was not the slightest disinclination to bring in a general measure upon this subject, and to enact for the future that charters for Colleges should be laid before Parliament; only there was a *bonâ fide* objection to put a clause to that effect in this Bill in a hasty manner, without being able, from want of time, to consider what would be the effect of it on the other clauses of the Bill. He, therefore, hoped there would be no objection to the Amendment being withdrawn.

MR. GATHORNE HARDY: I am not one of those who would object to anything which would settle the Bill. But the Amendment of my hon. Friend (Sir Michael Hicks-Beach) is one the effect of which we have not ascertained at the moment, and I think the offer which the right hon. Gentleman at the head of the Government has made ought to satisfy the Gentlemen who act with him, so far as future charters to Colleges are concerned. I only regret that so much time has been wasted, for there is no intention, I believe, at this moment of granting any charters, and that is a question with which we need not trouble ourselves. I agree entirely that what is law here should be law in Ireland, and that charters of this kind the House may fairly desire to see before they take effect. I find no fault with that. But I do think it is a pity we should waste our time in definitions when we have a distinct pledge from the Government that they will bring in a Bill to place the rest of the United Kingdom in the same position.

MR. VERNON HARCOURT said, he considered the assurance which had been given by the First Minister and the Solicitor General quite satisfactory.

SIR MICHAEL HICKS-BEACH said, that after what had fallen from his right hon. Friend (Mr. Hardy) he would withdraw the Amendment.

Motion, by leave, *withdrawn.*

Question again proposed, "That those words be there inserted."

MR. GLADSTONE said, that he hoped his hon. and learned Friend (Mr. Vernon Harcourt) would withdraw the clause, as his (Mr. Gladstone's) proposal was, that they should consider the exact wording of the clause, the object of which they perfectly understood, and which they were prepared to embody in the Bill they intended to introduce.

Lord JOHN MANNERS said, he hoped that the hon. and learned Member would withdraw the Motion.

Mr. VERNON HARCOURT said, that he did not understand that he was to withdraw the clause; but after what had passed he felt his withdrawal of it would place it in much better hands.

Amendment and Clause, by leave, *withdrawn.*

Lord EDMOND FITZMAURICE said, he would beg to move, in Clause 2, line 28, after "Lectureship," to insert "Headship of a College or Hall."

Amendment proposed, in page 1, line 28, after the word "Lectureship," to insert the words "Headship of a College or hall."—(*Lord Edmond Fitzmaurice.*)

Mr. BERESFORD HOPE protested against this change, for it vitally altered the character of the Bill, inasmuch as it took away one of the safeguards, that while the College should be fairly and freely opened to the intelligence of the country, yet that the general tone and character of this education should be religious. His right hon. Friend (Mr. Gladstone) had yielded one way and the other to the Liberal sections at Oxford and Cambridge; that at the former University being presided over by a well-known Fellow of Baliol College. He protested against this method of dealing with great questions. What encouragement had they to co-operate if such alterations were made? If one of the safeguards which were held out to them as an inducement was so easily to be struck out, it took away all hope of a safe and honourable compromise, and untied the hands of all those who came forward to try and find some ground on which they might come to an understanding.

Mr. GLADSTONE: Sir, I think my hon. Friend (Mr. Beresford Hope) can hardly feel any surprise at the conclusion which the Government have come to on this subject. When it was pressed upon us in the winter that we should take up the question and introduce a Bill for the removal of religious tests in the Universities of Oxford and Cambridge, and Durham, *primâ facie*, of course, this meant the removal of all religious tests, except in the case of offices which directly and necessarily involve the performance of duties specifically connected with the Church of England, such, for instance, as Professorships of Divinity. However, all those who in the Universities had been for a long series of years promoting a measure of this kind, thought it expedient amongst themselves to limit the application, and requested that we should exclude Headships from the operation of the Bill. That was done by gentlemen connected with Oxford not because that was in conformity with their own opinion, but from their desire to meet the views of gentlemen from Cambridge, who thought that the exclusion would tend to promote a speedy settlement of the question. That request was made known to me, and the reservation was made. However, a change has taken place. There is no longer that concurrence of opinion between the Universities, and, under these circumstances, it is plain that the considerations of policy which governed us no longer had existence, and we had to examine the question on its merits; and I must say we do not attach importance to this reservation. The other reservations in the Bill —if they be reservations at all, are completely compatible with the principle of the Bill. Their effect is merely to take care that the operation of the measure shall not be extended by any mere process of interpretation to matters which it is not designed to affect, and that while we secure for individuals free access to the emoluments of the Colleges, we shall not, in other respects, affect the system which is established in them or the guarantees, whatever they may be, for religious education. But this provision as regards Headships evidently stands on totally different ground. It is a part of the system of religious tests presumptively included within the object of the Bill, and the question we have to answer to ourselves is this, whether it is desirable to make such an exception. A large proportion of the Headships in both Universities are already covered and protected by statutes of the Colleges, which require that the Heads of those Colleges shall be in Holy Orders. It is only about one-third or one-fourth, taking Cambridge and Oxford together, of the whole number of Headships that will be affected by the Motion of my noble Friend. Certainly, it is naturally within the purview of the Bill that we should remove the tests from these offices. I can see no advantage in retaining them; it would be creating an exception which might, in particular cases, operate in a most invidious manner; and, above all, to secure an object extremely small, it would be running the risk of keeping alive a Parliamentary agitation, instead of being able to arrive at a satisfactory settlement. Under these circumstances, the Government have no hesitation in concurring in the Motion of my noble Friend (Lord Edmond Fitzmaurice).

MR. MOWBRAY said, that those with whom he acted were prepared to join his hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope), in resisting this last concession on the part of the Government, who were surrendering the only modicum of compromise which the Bill contained. The right hon. Gentleman had explained to the House the motives which had led to the change he had announced; but he would remark that this was not the first time that the House had had to listen to such explanations lately. This was one, and they had shortly before heard one in relation to the subject of denominational education in Ireland. The right hon. Gentleman was a master of many legions, but his legions had run away from him. The hon. Gentleman below the Gangway and the Liberal Committee at Oxford had forced the right hon. Gentleman to surrender the original intention contained in the Bill.

MR. GLADSTONE denied that he had expressed any change of intention with regard to the subject of denominational education in Ireland.

Question put, "That those words be there inserted."

The House *divided*:—

The Tellers being come to the Table, Mr. Glyn, one of the Tellers for the Ayes, acquainted Mr. Speaker that Mr. Kinnaird, the Member for Perth, had not voted.

Whereupon Mr. Speaker desired the honourable Member to come to the Table, and asked him if he had heard the Question put.

The honourable Member came to the Table, and having stated that he had heard the Question put and declared himself with the Ayes, Mr. Speaker directed his name to be added to the Ayes.

The Tellers accordingly declared the numbers, Ayes 205; Noes 86: Majority 119.

MR. SINCLAIR AYTOUN said, the object of the Motion of which he had given Notice was to extend to all Colleges founded after the passing of the Act the same principle as the Act itself applied to existing Colleges. He begged, accordingly, to move, in Clause 3, page 2, lines 12 and 13, to leave out "subsisting at the time of the passing of this Act."

Amendment proposed, in page 2, lines 12 and 13, to leave out the words "subsisting at the time of the passing of this Act."—(*Mr. Sinclair Aytoun.*)

THE SOLICITOR GENERAL said, he did not want to raise a debate on this Motion, having stated his objections to the proposal in Committee. The hon. Member (Mr. Sinclair Aytoun) then thought his argument was a very bad one, so he would not repeat it, and he should content himself on that occasion with simply offering his opposition to the Amendment.

MR. MORRISON said, he wished to remind the House that there had been no opportunity of voting on this question in Committee, the hon. Member for Oxford (Mr. Vernon Harcourt) having unexpectedly withdrawn his Amendment. It was not likely, after the passing of this Bill, that any denominational Colleges would be founded in England; but, in supporting this Motion, he wished to make it perfectly clear why he did so. His object was to reserve to himself entire freedom of action whenever education in Ireland came on for discussion, and he should like to hear from the First Minister of the Crown some assurance that it was not intended to interfere with mixed education in that country. Suspicion, perhaps, was too strong a word to use, but among many Gentlemen on his own side of the House a very strong feeling had been excited by the attitude of the Government on this matter, and they must only thank themselves for the existence of that feeling. For four successive Sessions the hon. Member for Brighton (Mr. Fawcett) had brought forward the question of University education in Ireland, and during those four successive years the First

Minister and several of his Colleagues, whether in Office or out of Office, had opposed the opening of Trinity College to Roman Catholics and Dissenters. The insertion in the Bill of the words now proposed would have little practical effect as regarded Oxford, for even Keble College was included in its scope. But, to keep his conscience clear with reference to any proposal that might be made with regard to education in Ireland, he should vote for the Motion of his hon. Friend (Mr. Sinclair Aytoun).

Mr. HORSMAN said, that he also should vote for the Motion if pressed to a Division. This was a Bill for abolishing tests; and if tests were objectionable in principle in Colleges at present existing, they must be equally so in Colleges to be founded hereafter.

Mr. GLADSTONE: Sir, I cannot help expressing some doubt whether a Motion of this importance ought not to have been disposed of in Committee on the Bill. It is now raised apparently at a moment when it is unexpected; and though the hon. Member (Mr. Morrison) thinks it a question of small importance, we consider it a question of the greatest importance, for we cannot consent to interfere with the future freedom of persons who may wish to found institutions of this kind. I cannot state too plainly or too strongly why we object to any measure of the kind. The right hon. Gentleman who has just sat down has stated his view with perfect candour, and I will be equally explicit in my reply. Our object is to destroy tests in those institutions which, by their wealth, by their traditions, by their antiquity, by their national privileges, and by the manner in which Parliament has formerly dealt with them, have come into such a position that we are bound in justice to prevent them from being attached to the purposes of any particular denomination or religion. But our desire is to encourage the foundation of Colleges, and we will not inquire whether they are to be denominational Colleges or not; we claim nothing for them less than absolute freedom.

Mr. MOWBRAY said, he was very glad to hear that there was at last some principle to which Gentlemen opposite were prepared to adhere—["Oh, oh!"]—for certainly nothing hitherto could well have been more inconsistent than their conduct. He could understand the argument on which the defence of the Bill had been rested, that after the lapse of 200 or 300 years the State would take it upon itself to interfere with the trusts of a particular foundation; but to object to foundations which were good and moral in themselves, and which contemplated nothing prejudicial to the Commonwealth, and to say that through the agency of such foundations persons should not be at liberty to devote funds to the education of youth, was one of the most extraordinary propositions he had ever heard, accustomed as he was to extraordinary propositions coming from the other side of the House. He was afraid just then he could not promise any large contingent in support of the right hon. Gentleman at the head of the Government; but, such as it was, Members upon those (the Opposition) Benches would gladly follow him against the Motion proposed by the hon. Gentleman below the Gangway (Mr. Sinclair Aytoun).

Mr. AUBERON HERBERT said, the objection was not to the establishment of places for denominational teaching, but to the possession by such places of University privileges. Feeling himself bound to vote on this Motion with the hon. Member for the Kirkcaldy Burghs (Mr. Sinclair Aytoun), he yet was deeply grateful to Her Majesty's Government for having made this Bill more efficient and satisfactory.

Mr. WINTERBOTHAM said, if they were invited to settle this question on its merits, his own views would incline him also to vote with the hon. Member (Mr. Sinclair Aytoun); but after the very strong assurances which they had received from the First Minister of the Crown in the course of this debate he did not think the matter ought to be pressed, and he would suggest that his hon. Friend should withdraw his Motion.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 132; Noes 22: Majority 110.

The SOLICITOR GENERAL said, he would beg to move to insert in Clause 3, page 2, line 23, after "worship" "or to belong to any specified church, sect, or denomination." He had in Committee agreed to exclude similar words; but he had since ascertained that without some such words—and he did not wish to make them unnecessarily offensive—the whole object of this measure might be defeated. He, therefore, felt it to be his duty to move their re-insertion, to which he trusted the House would consent.

CAPTAIN R. TALBOT said, as the Member at whose instance the words were omitted when the Bill was in Committee, he thanked the hon. and learned Gentleman for making the words less offensive than those which originally appeared in the Bill; but he was sorry that the Government could not make up their minds as to the clauses of so short a measure, and state what Amendments they could not accept. He still hoped that the Bill would not pass in its present objectionable form; but he would not challenge the decision of the House as to the Amendment now proposed.

SIR ROUNDELL PALMER said, he agreed with his hon. and learned Friend (the Solicitor General) that there was good reason for introducing such words as he had proposed, and that they were an improvement upon the original language of the clause, which was not happily expressed. He wished to refer to the opinion which he stated when the Bill was in Committee, as to its being deficient in safeguards against the teaching and dissemination of infidelity in the Universities. It was not without difficulty that he brought himself to vote against the Government on the Amendment in reference to the Headships of Colleges. His reason for doing so was that in the absence of any more distinct provision the omission of Headships from the Bill had some little tendency to act as such a safeguard. He hoped that before the Bill became law there might be introduced some well-considered clause on the subject. Since the Committee on the Bill he had received from Oxford a representation, expressing concurrence in his views, signed by 25 eminent members of that University, of whom five were Heads of Houses, four were Professors, and 16 were Masters of Arts. Nearly all of them had uniformly supported the Liberal cause in the University; and ten of them had been zealous in promoting the abolition of religious tests. They thought that some clear and express safeguard was wanted, and ought to be introduced into the Bill, and some of them, who were uneasy at the omission in the Bill of any distinction between Tutorships and Fellowships, wished for the introduction of some words which might unequivocally show that in the appointment to such offices as Tutorships and Headships the Legislature did not intend religious considerations to be wholly disregarded. They did not believe that religious Nonconformists, any more than religious Churchmen, would be willing to send their children to the University unless they were sure the education would be conducted upon religious principles.

Amendment *agreed to.*

Amendment proposed, in page 2, line 28, after "layman," to insert "or a person not a member of the Church of England."—(*The Solicitor General.*)

Amendment *agreed to.*

Amendment proposed, in Clause 5, page 3, line 10, to insert at end of Clause, as amended—

> "And any provision in any Act of Parliament or in any statute or ordinance of the said Universities or Colleges which is inconsistent with this Act, shall be repealed."—(*The Solicitor General.*)

Amendment *agreed to.*

Bill to be read the third time *To-morrow*, at Two of the clock.

## ELEMENTARY EDUCATION (*re-committed*) BILL.—[BILL 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 1st July.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 27 (School Boards.)

SIR CHARLES W. DILKE said, he would propose to amend the Bill so that school Boards should in all cases be elected by the ratepayers. He believed that the Amendment was not looked on with favour either by the League or the Union; but it had been frequently commended by meetings out-of-doors. The Town Council, which, as the Bill stood, would, in some cases, elect the Board, was by no means fit for the duty, because it would, generally speaking, be composed of a majority of one political opinion, and might even have been elected with a "No Popery" or some other cry. The right hon. Member for South Hampshire (Mr. Cowper-Temple) proposed that at least one-third of the Board should be nominated, a very important provision if cumulative or limited voting were not adopted for these elections. The hon. Member for Wednesbury (Mr. Brogden) had also placed an Amendment upon the Paper substituting the "burgesses entitled to vote at municipal elections" in place of the Town Council, as the body to elect the school Boards; in his opinion, it would be better to carry some general words at the present moment, leaving the actual definition of the body which was to form the constituency for the election of the school Boards until they came to the Schedule. He should be glad if the Vice President of the Council—who was now in the Cabinet—would express his opinion upon the subject. He begged to move the following Amendment:—

Amendment proposed, in page 10, line 41, to leave out from the word "Act" to the end of the Clause, in order to insert the words "by the ratepayers of the district for which such school Board is elected."—(*Sir Charles Dilke.*)

Lord ROBERT MONTAGU said, he should support the Amendment. He was unable to understand any reason why the Town Council should be selected as the best body to elect to school Boards, except merely to get rid of the noise and disturbance of an election. But the question before them was not how the noise and disturbance of an election might be avoided, but what was the best constituency for electing a school Board. The Bill under consideration was not a Reform Bill, but a Bill for the furtherance of education; hon. Members must, therefore, try to divest themselves of the representative theories in which they had entangled themselves in 1868. The Vice President of the Council—whom he must congratulate upon the recognition of the valuable services he had rendered to the country—had said that the object of the Bill was to increase the interest of the parents in the schools, by giving them the direct management of the schools in which their children were being educated. Under these circumstances, it was naturally to be expected that the right hon. Gentleman would have proposed that the parents themselves should have elected the school Boards, otherwise it was difficult to see what immediate share the parents would have in the matter. It was not the children of the Town Council that would attend these schools, but the children of the poor who were employed by the members of the Town Council. If the clause were carried as it stood at present in the Bill the employers would have the power of compelling the children of the employed to attend school. It was well known that the children of a working man were a source of considerable income to him; in towns there were many children's trades, and in rural districts there were many farming operations performed by children. Thus, many a working man was, in hard times, kept out of the poor-house. Was it wise, then, to allow the great employers of labour to take this source of income from the working man? This would be the same as permitting the employers of labour to lay a tax on the employed. He entirely agreed with the hon. Member for Chelsea (Sir Charles Dilke) upon the necessity of securing the representation of minorities on the school Boards, in order that those minorities might have confidence in the school Board. Now, if the power of electing the school Board were left in the hands of the Town Council, the members of the school Board would be nominated by those who happened to form the majority in the Town Council, and the minority would be entirely unrepresented. Thus, if out of 12 members forming the Town Council seven were Churchmen and five Dissenters, it was probable that the school Board would be formed entirely of Churchmen, and the Dissenters in the town would be unrepresented. If, on the other hand, the ratepayers elected the school Board in the several wards as the Town Council was elected, then the school Board would consist of seven Churchmen and five Dissenters. Under these circumstances, he thought that the Amendment would remove a striking injustice in the Bill.

Lord FREDERICK CAVENDISH said, he was aware that a great objection existed in the minds of many hon. Members to a minority clause; but he wished to point out the difference between the effect of such a clause on the election of a school Board under this Bill and on the election of a Member of that House. Were a minority clause not adopted in relation to the election of a school Board the views of the minority would be entirely unrepresented; whereas, in that House, owing to the variety that existed in the character of the different constituencies, opinions of all shades were adequately represented. By giving facilities for the representation of all parties on the school Board a great part of the religious difficulty might be got rid of, because those who represented them would take care that the children of the minority received equal attention and equal justice with those of the majority. The success of the Bill would depend on the excellence of the schools, and we could not have good schools without efficient school Boards. With a view of securing these we ought to endeavour to take the elections, to a great extent, out of the hands of the old party leaders in the different localities. This object would, probably, be attained by the method of voting proposed in the Amendment, of which he had given Notice. Again, we often saw the members of a vestry or other local Board chosen because they advocated a policy of cheeseparing economy. He was in favour of judicious retrenchment; but it would be bad economy to choose a particular schoolmaster because he offered his services at a low figure and not because of his qualifications. Efficiency should therefore be represented as well as economy. He thought that the best mode of election would be that of cumulative voting. At the election he would give every voter a number of votes equal to the number of the members of the school Board to be elected, and he would allow the voter to give all his votes to one candidate or to distribute them among the candidates as he might think fit. He supported the Amendment of his hon. Friend the Member for Chelsea (Sir Charles Dilke), which would give fuller effect to his own; but even if the former were rejected, he should still feel it to be his duty to press his own. It might be objected that it would tend to the compulsory annual retirement of all the members of small school Boards, and of half the members of large ones; but his own opinion was that no great injury would arise if his Amendment were adopted, from all the members retiring every year, as he was certain that useful members would seldom fail to secure re-election. They had heard a great deal about sectarian bitterness, and he regretted that the discussions on this Bill showed that there must be a considerable amount of it; but he thought it would be diminished by such a system of election as he proposed. If the representatives of every creed and of all opinions were united together in the great and noble task of providing education for the people, they would learn to know each other and to recognize each other's good qualities; and the result would be that instead of sectarian bitterness we should have an increase of Christian charity and kindly feeling.

MR. COWPER-TEMPLE said, he did not think the Amendment of the hon. Member for Chelsea (Sir Charles Dilke) an improvement on the Bill as it stood. He feared it would tend still more than the plan of the Government to drag education into the turmoil of ordinary election contests. He thought the plan contained in the Amendment he had placed on the Paper was best, and most likely to prevent those elections from becoming scenes of political excitement. The general population of the locality would not be so much interested in the good results of a school as the parents who paid for their children; while, as disposing of the grants, the Education Department would also have a greater interest in the matter than the ratepayers. It was very desirable to keep all party and political considerations out of view in the elections for the school Boards; but the difficulty was how to accomplish that object. At every election of a school Board which took place after the payment of a Parliamentary Grant to the school fund under the control of that Board he would give the Education Department authority to nominate from among persons resident within the county one-third of the members to be elected to the vacancies in such school Board; another third he would have elected by the men whose names appeared on the register of the fathers of the children attending the elementary schools within the district of such school Board.

MR. DIXON said, that if the Amendment had been confined to small towns he might have seen his way to supporting it; but he did not think it would be advisable to adopt it in the case of large towns. It had been urged in favour of the minority clause that, as the school Board would have to decide on the character of the religious teaching, it would be desirable to have the minority represented on that Board. If, however, the duty of the Board was purely administrative, the minority would not require to be represented. On the other hand, if the Board was to discuss and determine religious questions the result would be this—that if elected by the majority only the Board would probably often be all agreed; whereas, if elected under the Minority Clause, the element of religious discord and animosity would be introduced. He thought it better that those religious questions should not be discussed at the school Board at all, and if he voted for the Minority Clause he should be voting for that which assumed and provided for the existence of that to which he entirely objected. With regard to the Amendment before the Committee, he was disposed to vote for the clause as it stood, and thought that if the Amendment was accepted it should be accepted only with reference to the smaller towns.

SIR STAFFORD NORTHCOTE said, as he understood the argument of the hon. Gentleman who spoke last the view which he took was this—that peace would be better secured in the school Board by excluding altogether the voice of the minority.

MR. DIXON explained that he was only replying to the arguments of the noble Lord (Lord Frederick Cavendish).

SIR STAFFORD NORTHCOTE said, he would suggest to the Committee that what they had to aim at was not merely the creation of a pleasant state of feeling in the school Board, but the obtaining of a body which should fairly represent the feelings of those concerned—namely, the ratepayers generally, and especially the parents of the children. He should prefer to have every shade of opinion and feeling represented in the Board.

MR. MELLY said, the men who took the greatest interest in education in the large towns, and whose services it was most important to enlist in that cause, did not generally engage in municipal contests, but kept personally aloof from them. He, however, had the greatest faith in the Town Councils, especially those of large towns or cities. If the Town Councils had this duty cast upon them, he believed they would select the very best men for the management of those schools. He regretted to differ from the hon. Baronet the Member for Chelsa (Sir Charles Dilke); but he should join the hon. Member for Birmingham (Mr. Dixon) in supporting the clause of the Government as it stood. What they wanted was that the work should be thoroughly well done by the right men to do it, and not that it should be left in the hands of those who, year after year, appealed to the municipal constituencies, asking them, for example, to "Vote for Smith and a two-penny rate." It would be better to have "Thompson and a three-penny rate," if Thompson was the right man to do the work as it ought to be done.

MR. CAWLEY said, speaking from his experience of the borough he represented (Salford) and of the Town Council of that borough, he concurred with the hon. Member who spoke last, that a more efficient school Board would be obtained by the selection of the Town Council than of the entire body of ratepapers. He thought the hon. Baronet (Sir Charles Dilke) could hardly mean that in the large towns the whole of the ratepayers should vote in one mass for the members of the school Board; he took it that his proposal would result in a subdivision of those towns into wards, as was now done. If that were so, the effect would be a double set of contested elections every year; and if religious acrimony was to be brought into the election it would be introduced to a greater extent if the election was direct to the school Board than if the election was through members of the Town Council. But he was of opinion that it was desirable to put some restriction on the election of members of their own body by the Town Council. If it were left to the Town Council to elect whom they pleased, he was afraid the Board would become practically a committee of the Town Council, because it was rarely found that an Alderman was elected from outside the Town Council. On the whole, he thought they were much more likely to get a Board representing various opinions chosen by the Town Council, provided only that a limit were fixed to the number of the members that could be chosen from the Council, the remainder to be elected from outside. If, then, he gave his vote in favour of the clause, it would be with a view of seeing it subsequently amended by the adoption of the proposition, on the Paper, of the hon. Member for Oldham (Mr. Hibbert), which would limit the Town Council to the election of two-thirds of the Board from its own body.

Mr. CANDLISH said, he concurred in the opinion expressed by the hon. Member who spoke last, that Town Councils were decidedly the best constituencies to elect the Boards, and he thought that the effect of imposing this duty on the Town Councils would be to raise the tone and character of these municipal bodies throughout the country; it would give them something more than matters of police to think of. The elections proposed by the hon. Member for Chelsea (Sir Charles Dilke) would become scenes of as great noise, confusion, and party bitterness as those of the municipal bodies themselves. He hoped that the Vice President of the Council would adhere to his clause, amended by the proviso of the hon. Member for Oldham (Mr. Hibbert).

Mr. BERESFORD HOPE said, that all who had to do with municipal elections in large towns must know that however desirable a municipality must be, yet the process of accomplishing it was far from desirable, and to have a school Board elected in the same way would be to double all its evils. But, on the other hand, all the quiet, thoughtful, and respectable people who took an interest in the cause of education would then come forward. It would improve the character of the Town Councils, for men who never before took an interest in municipal elections would now take an interest in the elections and in getting themselves elected. But he would not leave the school Board to be the private patronage of the Town Councils; some limitation of the number of councillors was necessary. With that safeguard he would prefer indirect to direct representation.

Mr. MUNDELLA said, we had an excellent example in the Free Libraries Act. Under that Act a certain portion of the managers were chosen from the Town Council, but a certain proportion must be elected from outside. Now he knew of three cases of Boards elected under that Act, and in two of them at least they were just the Boards that he would like to see elected for school Boards. His own constituency (Sheffield) consisted of 34,000 ratepayers, and he asked if it was possible to have every year a school Board elected by them, with all the vexed questions and the religious difficulty which had been discussed in that House coming before them? But he would be sorry to see the area of selection confined to the Town Councils; he thought there should be some limitation as to the number to be chosen, and he would like to see some such Amendment adopted as had been suggested by the hon. Member for Oldham (Mr. Hibbert).

Sir CHARLES ADDERLEY said, that the Council of the borough, whether dealing with free libraries, baths, and washhouses, or other matters, formed its own committees for these purposes, and if it was determined that for everyone of them the Town Council should be thrown back on their constituents, the effect would be to break up municipal government altogether. Therefore, not only for the purposes of the Bill, but for all other local purposes, they should take one and the same Governing Body, and let them form the necessary Boards.

Mr. W. E. FORSTER said, the debate had been one of great interest and usefulness, and he only regretted there were not more Members present to take part in it. For himself, he doubted whether any clause in the Bill was more important than the present. Everything depended on getting good working school Boards; and he must honestly confess that this question was a very difficult one for the Government in framing the Bill. He did not know that the difficulty had been much diminished by the arguments made use of on both sides by men who had studied the question, and who were acquainted with the circumstances of their different localities. The point involved was not one upon which the Government would wish to resist very strenuously any decided view of the Committee. It would probably be expected that he should give the reasons why the Government proposed the present plan. His noble Friend opposite (Lord Frederick Cavendish) had said he would prefer the direct representation of the ratepayers, and that the only plan which was in accordance with the principle of the Bill was that the parents should have a voice in the election of the school Boards. But it should be remembered that the parents did elect the Town Councils, which were chosen by a very popular suffrage; and in electing the Town Councils after the Bill was passed, special reference would be had to the duty they had to perform under the Act. It was true that the Town Councils were not at present elected for this purpose; but, in future, they would be elected for this purpose among others. He was not one of those who had joined in the expression of want of confidence in Town Councillors. He was perfectly aware that they were frequently not all that could be desired; but he had generally found that the performance of their duties had been in proportion to the weight and importance of the duties imposed upon them. And it was only natural that it should be so; because, when the duties became more important, the constitution of the Town Council excited greater interest. When it was shown that a Town Council had to deal with this important subject, many men would take an interest in the election, or would be willing to stand as candidates, who hitherto had held entirely aloof. His own experience bore out the statement of his hon. Friend the Member for Sheffield (Mr. Mundella), that where these bodies had educational duties intrusted to them those duties had been well performed. Indeed, in the inquiry conducted by the Endowed Schools Commission, they found that the schools under the management of the municipal bodies were less faulty than any others—less faulty even than those managed by the Colleges of the Universities. Now, to the direct vote it had been objected that it was desirable, if possible, to avoid the personal excitement and expense of a separate election; and, certainly, no one would say that it was desirable to add another popular election to those which were held in large towns if it could be avoided. In trying this great experiment, they ought to endeavour, as far as they could, to avail themselves of existing machinery; while he believed, moreover, that through the medium of the Town Council, they would, better than by any other plan, discover the men who were most suitable for appointment upon an Educational Board. In large towns, especially, such stringent criticism would be exercised that it would be exceedingly difficult to get these appointments; and the elections would generally fall upon men of experience in educational matters, and upon men who were known to be fitted for those appointments. The best men, too, were frequently unobtrusive — men who took no part in public controversies; and the existence of such men would be better known, he believed, to the Town Council than to the general body of the ratepayers. On the other hand, it was impossible not to admit that the ratepayers might feel more confidence in those elected by themselves than in those elected by others. It was by no means a clear question; but its very doubt would rather induce them to avail themselves of machinery which already existed, instead of trying plans about which they knew nothing. Now, they had not thought it right that Government nominees should be appointed with a view to secure the proper performance of the duties of the Board. If members were appointed by the Government, even if they were overruled by their colleagues, it would be very difficult for the Government, through its nominees, not to be responsible for the doings, and, possibly, even for the misdoings, of the Board. It had always appeared to him that they could exercise more influence over the Board by trusting them entirely, and by giving them considerable powers; for if the Board did not in that case do its duty they could the more easily interfere and insist upon the performance of what was necessary, saying to them—"We tell you clearly what you have to do, and if you do not do it we will step in and do it ourselves." Now, he did not anticipate that any school Board would not do its duty; but if they did the Government would have much less difficulty in interfering with a Board elected by the Town Council than if it were elected directly by the ratepayers. At the same time, he did not think it necessary they should have the same system of election throughout the country, for what might be necessary in one case might not be necessary in another. When they came to consider the metropolis, they would have to consider a different mode of election, because the circumstances there were different. Following out, too, the principle to which he had referred the Government thought it better to place confidence in the Town Council, and that there should be no restriction on the elections. The Government would not agree to accept the Amendment of the hon. Member for Salford (Mr. Cawley) or the hon. Member for Oldham (Mr. Hibbert), and restrict their electing members from their own body. They might elect men or women from among their own members or from the outside. He believed that these elections would not be entirely made by the Town Council from their own body. His hon. Friend the Member for Salford (Mr. Cawley) had urged that these elections would be confined to Town Councillors, because it was rarely found that an Alderman was selected from outside the Council. But it was quite natural that the election of an Alderman should be confined to the Town Council, because the Councillors might reasonably object to one of the prizes of their career being bestowed upon an outsider. The case, however, would, he believed, be different when it related to a matter which was exceptional, and for which qualifications of a particular character were required. The point, however, was one which was not of vital importance to the Bill. The object which the Government sought to attain was to secure the best body they could for the performance of those duties.

MR. GATHORNE HARDY said, he recognized in the speech of the right hon. Gentleman the candour with which he had dealt with all the arguments relating to this question, and the justice which he had exhibited towards those who, in their desire to amend this Bill, felt themselves bound to oppose some of the proposals of the Government. He, however, did not think his defence of this part of the Bill was a very perfect one. What was really required was a representation of all parties and of all religions; but it was well known that the municipal representation throughout the country was almost entirely dependent upon politics. Except when a scheme for water supply or something of that kind arose, the members of Town Councils were elected for political considerations only. Consequently, such bodies were wholly unfit to deal with this question of education. In some cases the representation in Town Councils was wholly on one side, and they would not elect persons freely from all parties to constitute the school Boards. In London the elections for district school Boards were extremely fair—men interested in education were elected. But then they were elected by different districts having little connection one with another; if, however, a Town Council were to elect they would send men representing only the majority of their body. In considering this subject the Committee ought to remember that Select Vestries, and other bodies equally as fit as Town Councils to elect the school Boards, were left out of sight altogether. The result of this would be that, in the great majority of parishes and districts, the election would be by the ratepayers. He knew of some Vestries in the country which were elected on grounds which, in the opinion of the ratepayers, were far more important than the question of education. The necessity for bringing in an Education Bill was caused by the unwillingness of some parents to send their children to school; but he believed that if the general body of ratepayers in a district were consulted they would elect to the school Boards, irrespective of their religious and political opinions, those clergymen, Nonconformist ministers, and laymen who had devoted themselves specially to education. Again, the question affected the metropolis, for the Select Vestries in London would certainly have as much right to elect as similar bodies in the country. In his opinion Select Vestries would be rather worse bodies than the Town Councils to be intrusted with the election of the school Boards. He wished to say nothing harsh of the Town Councils; but he must express his belief that the greatest misfortune which had befallen this country in regard to local government was the circumstance of the members of the Town Councils being elected for political reasons. Annual political contests had poisoned society in every borough in the country, and it would be most undesirable to make those contests still more bitter by mixing up with them the question of education. That ought to come before the constituencies as a simple, isolated question. All the ratepayers ought to be called upon to elect the persons who were to manage their educational affairs, which should not be mixed up with sanitary questions. He hoped the Committee would treat even the street Arabs not like sewage, as his right hon. Friend wished to treat them, but as human beings with souls. By interesting every ratepayer in the educational wants of the children, the Committee would promote the cause of education far more effectually than by handing over the election of the school Boards to Select Vestries or Town Councils.

MR. W. E. FORSTER said, he thought it would be better to limit the question to the case of boroughs, if the terms of the Amendment would allow of such a course being pursued. The metropolis would, no doubt, have to be dealt with on a different principle. In consequence of alterations which had been introduced into the Bill, the remarks of the right hon. Gentleman opposite respecting Vestries were to a great extent inapplicable to it.

MR. HIBBERT said, he was inclined to act on the suggestion thrown out by his right hon. Friend (Mr. W. E. Forster). In Birmingham, Liverpool, and other very large towns, the election of a school Board would cause great excitement and expense, but in smaller boroughs the same difficulty would not arise. He regretted, however, that the right hon. Gentleman had not been able to assent to the Amendment he had placed on the Notice Paper, for he thought it was right to enact that a Town Council should not elect from among its own body all the members of the school Board.

MR. M'LAREN said, many hon. Members would remember that this question was before the House in the last Session of Parliament when the Bill for Scotland was passed. On that occasion he had the honour to move an Amendment the object of which was to restrict the powers of the Town Councils, and to provide that two-thirds in number of each school Board should be elected outside of the Town Councils. The House was pleased unanimously to approve his proposition, and, with it added, the Bill went up to the House of Lords. Having had considerable experience of Town Councils and of their mode of election and working, he was quite satisfied that by leaving the election to the ratepayers a much more effective school Board would be secured than if the appointments were left in the hands of the Town Councils. There were many men among those best qualified to fill the office of members of school Boards who would not compete for the honour of being Town Councillors, and whose services, therefore, would be lost to the public in the positions they were best qualified to fill. Such men, however, if they could be elected to the school Boards by the ratepayers independently of the strife and turmoil of their local Parliaments, would render great and almost invaluable services. Then the election to positions on the school Boards by Town Councils would often operate as what he might describe as a kind of indirect bribery. The weak side of a man being known, he could be flattered by being appointed to an office outside the Council, such as that of a member of a school Board would be, and a great disadvantage might thereby result to the practical and useful working of the school Board. A, being a member of the Town Council, would say to B—"Here is Mr. C, who takes very little interest in Town Council matters, but would like to be a member of the school Board. Let us use our influence to get him elected, and if elected, he will support us in our Town Council policy." This would take place frequently, and, he doubted not, with the worst results, by preventing the election of men better qualified for school purposes. Then there was this other consideration—that at present the majority of Town Councils were almost overwhelmed with work; and if additional work were placed upon them, depend upon it they would give to the whole amount of business they had to transact no larger amount of time than they gave at present, and therefore the general municipal work devolving upon such bodies would suffer, as well as the new kind of school work that was proposed to be put upon so many of their members as might constitute a school Board. For these reasons he was quite sure the Government would do wisely to concede the point demanded by the Motion of the hon. Member for Chelsea; and, in conclusion, he might say that he should not have troubled the House upon this question had it not been that his experience in regard to the election and working of Town Councils had been very considerable.

SIR JOHN PAKINGTON said, the important question to be considered was in which way an elective body could be obtained which would elect the best persons for the management of the schools with reference solely to their fitness for that duty. That object could, he believed, be best secured by the adoption of the suggestion of the right hon. Gentleman opposite (Mr. W. E. Forster), and he hoped, therefore, the Government would adhere to their proposal.

MR. W. E. FORSTER said, he thought, as the case of boroughs was different from that of other districts, it would be well if his hon. Friend the Member for Chelsea (Sir Charles Dilke) would limit his Amendment to the former—at all events, for the present.

SIR CHARLES W. DILKE said, he regretted he could not act upon the suggestion of the right hon. Gentleman.

MR. WHALLEY said, he doubted whether the House was not rather straining its powers in giving the Town Councils authority to tax the public. Feeling assured that public opinion was in favour of the direct appointment and control of school Boards by the ratepayers themselves, and finding that the Government and the House were in a state of indecision in the matter, he would urge the postponement of the Bill to next Session.

MR. MORRISON said, he must point out that the discussion hitherto had dealt with the comparative competency of the Town Council or the ratepayers to elect an efficient school Board. But however efficient, and by whatever body elected, the Board would not work well unless it possessed the confidence of the parents of the children. In the borough which he represented (Plymouth), public opinion was decidedly in favour of direct election by the ratepayers.

MR. W. E. FORSTER said, while giving full weight to the arguments on the other side, he must observe that the discussion tended to confirm the Government in the belief that they had taken the right course in the plan they originally proposed. Allusion had been made to the difficulty of the Town Council in performing their present duties. That was a reason why they would be more likely not to elect members from their own body; and his own expectation was that they would not choose members from their own body. Although the Division would be taken on the Motion of the hon. Member for Chelsea, the Committee would bear in mind that the question of the metropolis was open for after consideration, together with that of the country districts. He did not consider the Committee were deciding more than the case of the boroughs upon this Amendment.

MR. CAWLEY said, he was not prepared to accept the Town Council as the elective body without some limitation on their right of election.

MR. W. E. FORSTER said, that point had not been before the Committee; but, no doubt, it would be debated.

MR. ACLAND said, he held himself perfectly free upon that point; but wishing to see clergymen, Roman Catholic priests, and Dissenting ministers placed upon the school Board, and co-operating for the education of the children, he thought that was a result more likely to be secured by the Municipal Councils than by democratic elections.

MR. GATHORNE HARDY asked what was the question upon which the Committee would vote?

THE CHAIRMAN said, the effect of the Amendment of the hon. Baronet (Sir Charles Dilke) would be that, if it were carried in the form proposed, the ratepayers in town or country would elect the school Boards; but, as he should put the Amendment, it would be open to the Committee to consider the other Amendments of which Notice had been given upon this clause.

SIR CHARLES W. DILKE, in reply, said, he submitted his Amendment because the representation of minorities by wards would not be sufficient to secure that adequate representation upon the school Boards of all those interests which the right hon. Gentleman declared to be a great necessity.

Question put, "That the words 'in a borough' stand part of the Clause."

The Committee *divided*:—Ayes 150; Noes 145: Majority 5.

MR. WINGFIELD BAKER said, he rose to move, in line 42, to leave out "in a parish" and insert "for a parish shall be the elected guardians of the union in which such parish is situate." He contended that the guardians, from the mode of their election and the nature of their duties, were peculiarly fitted to elect the school Board, and they would do so without being influenced by political considerations. The guardians also were the proper persons to give the information required under the 8th clause, as well as the information in respect to united school districts and contributory districts.

MR. W. E. FORSTER said, he hoped his hon. Friend would not press the Amendment. The question had been fully considered by the Government, and they found the difficulties in the way of selecting the union were almost insuperable. It was desirable to separate education as much as possible from connection with poor relief. And, besides, the mode of taking the votes in the election for guardians presented a difficulty in the way of adopting the Amendment.

Amendment, by leave, *withdrawn.*

Mr. HIBBERT said, he would beg to move, in Clause 27, line 42, to leave out the word "Vestry" and insert "ratepayers," with the view of placing the election of the school Board in a parish in the hands of the ratepayers instead of the Vestry.

Mr. W. E. FORSTER said, as the feeling of the Committee was in favour of the proposed Amendment, he would accept it. Since the time when the Bill was drawn, he had understood that the cases in which the Vestries could be advantageously used were much fewer than had originally been expected.

Amendment *agreed to.*

Mr. COWPER-TEMPLE said, that the circumstance that the funds to be disposed of under the Bill would not all come from the Town Councils, but partly from the Consolidated Fund and from school fees, suggested the propriety of dividing the selection of the school Boards among those who represented the different contributors. He, therefore, proposed to add the following Proviso to Clause 27 :—

"Provided, That at every election of a school Board which shall take place after the payment of a Parliamentary Grant to the School Fund under the control of such school Board, the Education Department shall have authority to nominate from among persons resident within the county in which such school Board is acting one-third of the members to be elected to the vacancies in such school Board; and one-third of such members shall be elected by the men whose names appear on the register kept as hereinafter provided of the fathers of the children attending the elementary schools within the district of such school Board."

The Inspectors, from their local knowledge of the districts, would prepare a list of qualified persons. This principle was recognized in the London Boards, and in the appointment of *ex officio* Poor Law Guardians. In that way school Boards would contain considerable diversity of representation, and would not be confined to one party, either political or ecclesiastical. They would be elected not on account of any local feeling, but by competent persons who were directly interested in the promotion of education in the district.

Mr. ASSHETON CROSS said, he highly appreciated the motives of the right hon. Gentleman in introducing this Amendment, but he thought the Committee would see it was absolutely impracticable. In the first place, it did not follow that the persons named in the first part of the Amendment were resident in the locality, or that those mentioned in either part were ratepayers. Thus two-thirds of the school Boards need not be ratepayers, so that they might be distributing local rates to which none of them contributed. He wished to know how the Education Department in London was to know who were properly resident in the locality. He had a great objection to systems of centralization, and this was one of the most extreme propositions of the kind ever brought before the House. He was sure the Committee would not agree to the Privy Council electing one-third of all the school Boards in the kingdom. Again, it must be remembered that the parents of children in the school formed a very fluctuating body, and under this Amendment they might elect for three years, according to the Schedule, persons who had the greatest antipathy to sending their own children to school. It was well known that in the poorer portions of large towns parents greatly neglected the education of their children, and, therefore, they were the last persons who ought to be entrusted with authority of this kind.

Mr. W. E. FORSTER said, the hon. Gentleman (Mr. Assheton Cross) had anticipated the answer he must give to this proposal, although he was very sorry to oppose any Amendment moved by his right hon. Friend (Mr. Cowper-Temple), who had given this question so much attention. He could not see how the proposal could possibly work. It was quite beyond the power of the central Department to discover the proper parties in any locality to be appointed members of the school Board. He sympathized in the desire to bring in the parents of the children; but, as had been said, they were a fluctuating body, and in the event of an election it would be easy to send a child to school for the time in order to get a vote. There was also a practical objection to the Amendment in detail, for it would give denominational schools power over those governed by a school Board.

Amendment, by leave, *withdrawn.*

MR. HIBBERT stated that a precedent existed in the Scotch Act of last year for the restriction of members of the Town Council upon the Board to one-third of the total number. He accordingly moved at the end of the clause to add—

> "Provided, That not more than two-thirds of the number to be elected by the Council shall, at the time of their election, be members of such Council."

MR. W. E. FORSTER said, although his own feeling was against the proposal, he was prepared to adopt it in deference to what he believed to be the wish of the Committee. The limitation in the Scotch Act of last year was undoubtedly a precedent, and so was a similar limitation contained in the Free Libraries Act for Scotland.

MR. CAWLEY said, the Scotch precedent was in favour only of one-third of the Council, and he believed a better Board would be secured by fixing that proportion of members of the Town Council as the limit. He accordingly moved, as an Amendment to the proposed Amendment, to leave out "two-thirds" and insert "one-third."

MR. WHITWELL said, that in all the cases with which he was acquainted, Town Councils exercised a wise discretion as to the choice of trustees, visitors of schools, &c. He regretted that the right hon. Gentleman (Mr. W. E. Forster) had yielded so far as to accept the Amendment proposing "two-thirds," and he (Mr. Whitwell) should oppose the suggested limitation.

SIR MICHAEL HICKS-BEACH said, it had recently fallen to his lot to see something of the working of the school system in parts of the United States. In the city of Boston, which afforded probably the best example, the school Board was elected by the Town Council. Formerly the Board was elected by the citizens, but this became, like most other things in that country, a political election; and the choice was accordingly transferred to the Town Council, without, as he believed, the least restriction, and they elected, not their own members, as a rule, but the persons best qualified to fill the position.

MR. MELLY said, he approved of having two-thirds from within the Town Council, and he hoped the Government would stand firmly by the proportion of one-third from outside. This would afford facilities for the nomination of the rector, the Dissenting minister, and the Roman Catholic priest, who would not otherwise be elected.

MR. P. WYKEHAM-MARTIN said, the members of the Town Councils were elected by the same suffrage as Members of Parliament. He wished that the Amendment of the hon. Member for Chelsea (Sir Charles Dilke) had been carried; but having pressed these functions upon them in many cases against their will, the best thing now for the House to do was to leave them totally unrestricted in the exercise of their discretion.

MR. REED said, he doubted whether there would be many persons volunteering to go on these Boards, and they had ready to their hand, in the members from the Town Council, the nucleus of a Board, while the proportion of two-thirds gave all needful security.

MR. AUBERON HERBERT said, he thought these matters were far too important to be handed over to indirect representation. If direct compulsion was to be carried out it would be of great importance that it should be administered by the Town Council itself.

MR. ASSHETON CROSS said, the great object was to secure efficient school Boards, and he doubted whether members of municipal bodies, having drainage, sewerage, police, and a multitude of other duties to attend to, could afford the necessary time and attention for working the school Boards properly.

MR. ILLINGWORTH said, he was quite satisfied as long as full power was given to the Municipal Council to elect members outside its own body.

SIR CHARLES ADDERLEY said, that if any words were inserted expressing distrust of the Town Councils, the House would be undoing the good effected by the conservative decision they had come to upon an earlier portion of the clause. Parliament would actually seem to be taking out of the hands of the trustees and into its own the election of a certain number of the members. ["No, no!"]

MR. W. E. FORSTER said, the right hon. Gentleman (Sir Charles Adderley) was mistaken. There was no proposal to take from the Town Councils any of their powers of election, but simply to restrain them from electing more than two-thirds of the Board from among their own members. It was not a matter of much importance; but he thought it would suit the views of the Committee better if it were to be enacted that some portion of those to be elected should be elected from persons outside the Town Council. If the Amendments were withdrawn words might be inserted in the clause to the effect that not more than one-third of the number of persons on the school Board should be elected from persons who at the time of the election were members of the Town Council.

Amendments, by leave, *withdrawn.*

Mr. W. M. TORRENS said, he wished to propose an Amendment in reference to the school Boards of the metropolis, which were excepted from a previous decision by the Committee; one sufficient reason being that in London, with the exception of the City Corporation, there were no municipal bodies properly so called. Ten cities and boroughs were grouped together and called the metropolis; they were governed by Vestries, and there was an increasing feeling that these bodies should not be left to appoint the school Boards, because the Vestrymen were not elected to perform any analogous duties. It was feared that there would be a predominant section, if not sect, in each of those bodies; that the minority would be wholly unrepresented; and that there would be an annual struggle, which would result in the election of persons not the best fitted to discharge the duties which would attach to members of school Boards. A better and the wiser course would be to leave the ratepayers of the metropolis at large to choose the persons who were to superintend education in the various parishes, and the strongest argument in favour of that course was to be found in the fact that although three months had elapsed since he gave notice of his Amendment—which was analyzed and discussed by the Press—not one Petition had been presented against it, while there had been a strong expression of opinion in its favour. Another argument in support of his Amendment was to be found in the growing belief that large areas of educational administration were most likely to secure tolerance, thoughtfulness, and fair play. It might be said that his Amendment would set a precedent, and he did not wish to deny it; but he trusted that the day was not distant when such a precedent might be found useful. He begged to move, in page 10, line 42, after "Vestry" to insert "and in the metropolis by the parishioners of the parishes therein in manner provided by this Act."

Lord JOHN MANNERS supported the Amendment.

Amendment *agreed to.*

Lord FREDERICK CAVENDISH said, with a view to secure the more perfect representation of all persons concerned in the government of the schools, he would beg to move at the end of the clause to add—

"At every such election every voter shall be entitled to a number of votes equal to the number of the members of the school Board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit."

Mr. W. E. FORSTER said, he thought it would be possible to adopt this form of cumulative voting in the country parishes and in London, presuming the ratepayers would have the election in the latter case, and it would not be impossible to adopt it in the Town Council, who would elect in the case of boroughs. The smallest minority on a Town Council would, in fact, be able to make itself heard if the cumulative vote were adopted.

Mr. W. H. SMITH said, he would support the Amendment, as he thought that in such cases the fullest expression ought to be given to the opinions of the minority.

Mr. MELLY said, he would vote for the Amendment, which would have the effect of ensuring a spirit of peace and of compromise, especially in the case of the corporations of large towns, and it would largely tend to soften asperities that might otherwise engender fierce and bitter contests.

Mr. ASSHETON CROSS said, if this new principle were applied to the election of school Boards it would be difficult to limit its application. Why should it not apply also to burial Boards, or other bodies where all kinds of parties might ask to be represented?

Mr. FAWCETT said, after the statement of the right hon. Gentleman the Vice President of the Council, that the Government were prepared to shape their policy by the general feeling of the House, he hoped that they would not only accept the Amendment of the noble

Lord the Member for the West Riding (Lord Frederick Cavendish), but would see that in order to be consistent they were bound to accept the Amendment of the hon. Member for Chelsea (Sir Charles Dilke), which had been rejected by a very narrow majority. It had been stated that a minority of one-twelfth on the Town Council would be able to elect their member on the school Boards; but although they might do so on the first occasion, when 12 members were to be elected, the minority would not be able to secure the return of their member on future occasions when only three members of the school Board were to be elected, unless they formed one-fourth of the Town Council. In order to secure a fair representation of all shades of opinion, the school Boards must be elected by the ratepayers. He trusted, therefore, that on the bringing up of the Report the Government would consent to a reversal of the vote that had just been given upon this point.

MR. VERNON HARCOURT said, that the hon. Member for Brighton (Mr. Fawcett) had spoken as though the Committee were unanimously in favour of cumulative voting; but he, for one, agreed with the right hon. Gentleman the Member for Buckinghamshire in having no faith in these fantastic methods of attempting to govern England by anything but a majority. People in this country had always been in the habit of looking at every man as a single individual; whereas those who supported cumulative voting appeared to regard him as three or four men rolled into one. To adopt the principle of cumulative voting in the election of school Boards would be a most dangerous experiment—than which he could not conceive one more likely to wreck the success of the Bill.

COLONEL BARTTELOT said, he thought that if they adopted the Amendment of the noble Lord the Member for the West Riding (Lord Frederick Cavendish), they were bound to reverse their decision upon the proposal of the hon. Member for Chelsea (Sir Charles Dilke).

MR. P. WYKEHAM-MARTIN said, he did not see how a minority of one-twelfth of the Town Council were to return their member on the school Board, because he had not understood that the two members of whom such a minority would consist would have the power of returning any member they might choose.

MR. JESSEL said, he thought it objectionable to introduce into the Bill a principle contrary to the old-established rule that questions were to be determined in this country by pure majorities. If the cumulative system were adopted, it was quite possible that there might be combinations such as were well known to the wirepullers at elections entered into as would enable the minority of the Town Council to elect the large majority of the school Board. He trusted that the Committee would maintain the old system, which was intelligible to everybody.

LORD ROBERT MONTAGU said, that if the Committee were to be four hours discussing two lines and a-half of one clause, there would be but little chance of this Bill becoming law during the present Session of Parliament. The object they had in view was to determine upon the best method of electing school Boards so that parents might place confidence. He thought the Amendment was based upon grounds that were fair and equitable. It was not fair to ignore the rights of a minority. Let them consider an example. In Liverpool they were called upon to establish schools for 20,000 children. These were the children of poor Irish persons. But if there were no provision to secure the rights of a minority, the school Board would consist entirely of persons attached to the English Church. This Board would establish schools not in accordance with the views of the Catholic Church; and the religious teaching in those schools would be contrary to the Catholic doctrines? Would that be just? would it be equitable? If they accepted the Amendment, the voice of the Dissenters and the Roman Catholics would be heard on the local Board.

MR. WINTERBOTHAM said, he hoped the Government would consider this question on its merits, and not be led away by prejudices such as that which his hon. and learned Friend the Member for Dover (Mr. Jessel) had brought to bear on its consideration. His hon. and learned Friend had shown that he did not understand the proposition of his noble Friend, because all his (Mr. Jessel's) arithmetical illustrations proved was that a similar plan had been effectual in keeping the majority from getting everything. It proved that where there were 10 persons to be elected, and the majority attempted to elect all the 10 from their own party, they did not succeed. He thought that arguments founded on prejudice were not worthy of Members of so much ability, skill, and genius. If this Bill, for which he had no very great affection, was to work, the Boards must have the confidence of the people of the localities; and if even only one member of a minority were elected, his presence on the Board would go far to secure for it an amount of confidence that would prevent much ill-feeling that might otherwise exist.

Mr. BOWRING said, that he thought it advisable to adopt the Amendment, otherwise the Dissenters would not be fairly represented in some localities.

Sir CHARLES ADDERLEY said, there were other interests to be considered besides those of the majority and the minority. The interests of the community as a whole were paramount. He was for throwing on the Council the whole responsibility of electing the school Boards.

Mr. GLADSTONE said, that the Members of the Government then present had listened to this discussion with strict impartiality. His right hon. Friend the Vice President of the Council and himself had been rather stiff opponents of the minority principle in regard to Parliamentary Elections; but they were compelled in fairness to begin this discussion by recognizing that the main considerations which made that principle inadmissible or inexpedient in Parliamentary Elections were not applicable to the case before the Committee. This was a new and separate question. The Member for South-west Lancashire (Mr. Assheton Cross) had, undoubtedly, pointed to circumstances which ought not to be left out of view in respect of the diversity both of the qualification and the eligibility of the electors, and of the mode of election which already characterized our elections for local purposes; and the House could not entirely put out of view that, whatever the conclusions which might be come to, they were at present engaged in a formal and elaborate inquiry as to these elections for local purposes, which in almost all cases were connected with local taxation. Therefore, whatever they might do in this matter, they must reserve to themselves liberty to deal with the results of that examination. When the Committee, presided over by his right hon. Friend the President of the Poor Law Board, made its Report, it was perfectly possible that the House would have to consider recommendations bearing on the general question of local elections. He thought, therefore, that what they had to do in this case was to adopt the plan which, on the whole, seemed to be the best with regard to the subject of education; and, perhaps, there never was a case in which it was more desirable and more important they should even run some risks in order to give the most complete representation on the Boards. His right hon. Friend the Member for North Staffordshire (Sir Charles Adderley) had said what was quite true when he pointed out that the whole issue on this question was not one as between majorities and minorities. There were many sections of persons all of whom had interests and feelings which it might be desirable to have represented on the local Boards; and, though he admitted the force of what had been said by his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt), yet, on the other hand, the representation on the local Board of every shade of opinion would tend to divest the elections of acrimony and animosity. The question was one of great difficulty, and his noble Friend (Lord Frederick Cavendish) had admitted that the system of cumulative voting was less adapted to the election of Town Councillors than to a direct election by the body of the ratepayers. Under these circumstances, he felt there was no conclusion at which the Government could arrive with great clearness of view. They had to make choice amid conflicting difficulties, and they thought they would adopt the best course in agreeing to the Motion of his noble Friend. He could not admit that there was such complete novelty in a plan of this kind as his hon. and learned Friend the Member for Dover (Mr. Jessel) seemed to suppose; because they must remember Mr. Sturges Bourne's Act. At the same time, there was some novelty in the plan proposed by his noble Friend—something in the character of an experiment; but he thought that, on the whole, the Committee would act wisely in adopting it, and if they did so he hoped it would prove successful.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 28 *agreed to.*

MR. W. E. FORSTER, in moving that the Chairman now report Progress, said, the next clause would require reconsideration after the conclusion arrived at that evening. He would look carefully over the Schedules, which would also require some alteration. He hoped the Committee would not regard the small amount of progress made that night with the Bill as the measure of their future despatch. The fact was, they had a most difficult and important question before them that evening, and he did not think Government could be blamed for having waited to hear the opinions of the Committee upon it.

House *resumed.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

### EXTRADITION BILL—[BILL 138.]

(*Mr. Attorney General, Mr. Solicitor General.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Restrictions on surrender of criminals).

THE ATTORNEY GENERAL said, he would beg to move an Amendment to meet the views of the hon. Member for Finsbury (Mr. W.M. Torrens)—namely, in page 2, line 3, leave out sub-division 1, and insert—

> "A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the police magistrate or the Court before whom he is brought on habeas corpus, or to the Secretary of State, that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character."

MR. W. M. TORRENS said, he was fully satisfied with the Amendment.

Clause, as amended, *agreed to.*

THE ATTORNEY GENERAL said, that the expediency of including fraudulent bankruptcy in the list of offences in the first Schedule having been questioned, he would consider before the Report whether the words "crimes of bankrupts against the Bankruptcy Law," in line 16, should be retained.

Amendment proposed, in Schedule, page 11, line 27, to leave out "or municipal law."—(*Mr. Vernon Harcourt.*)

Amendment *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* next.

### MERCHANT SHIPPING CODE BILL.

(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld.*)

[BILL 24.] COMMITTEE.

Order for Committee read.

MR. SHAW LEFEVRE said, he would suggest that the Committee should be postponed to the 1st of August, and that the Bill should be reprinted, with a view to its early introduction next Session.

SIR JOHN PAKINGTON said, he understood the Bill was to be withdrawn for this Session.

MR. GLADSTONE assented.

Committee *deferred* till *Monday 1st August.*

### DUBLIN CITY VOTERS DISFRANCHISEMENT BILL—[BILL 184.]

(*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*)

SECOND READING.

Order for Second Reading read.

DR. BALL said, he could not allow the second reading of this Bill to pass without saying a word respecting the exaggerated statements made with regard to the voters in Dublin, in consequence of which a Bill was introduced last Session with the object of totally disfranchising the freemen of Dublin, a very small proportion of whom had been proved to be corrupt. The Government had in this matter acted with great fairness, because they had rejected these suggestions of general corruption, and had confined the provisions of the Bill to the cases actually reported upon by the Commissioners. He must, however, in making these observations, guard himself against being supposed to agree with the penalty provided in each individual case. He admitted that the Government were justified in drawing up the Bill in its present form; but trusted he should be able to show in Committee that there were special grounds for exempting particular persons from its operation.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, that everyone who had read the Report of the Commissioners must have come to the conclusion that the Government ought to take action with regard to the Dublin freemen. The Schedules contained the names of 672 persons who were more or less engaged in corrupt practices, and he was sorry he was only able to ask the House to disfranchise 100 of them.

Mr. J. LOWTHER pointed out that there were not 100 mentioned in the Bill.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse): But there are 98.

Motion *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

## SHERIFFS (SCOTLAND) ACT (1853) AMENDMENT, &C. BILL.

On Motion of The Lord Advocate, Bill to amend and extend the Act sixteenth and seventeenth Victoria, chapter ninety-two, to make further provision for Uniting Counties in Scotland, in so far as regards the jurisdiction of the Sheriff; and also to make certain provisions regarding the duties of Sheriffs and Sheriffs Substitute in Scotland, *ordered* to be brought in by The Lord Advocate and Mr. Adam.

Bill *presented,* and read the first time. [Bill 191.]

## PAUPERS CONVEYANCE (EXPENSES) BILL.

On Motion of Mr. Peel, Bill for removing doubts respecting the payment of Expenses incurred in the Conveyance of Paupers in certain cases not expressly provided for by Law, *ordered* to be brought in by Mr. Peel and Mr. Goschen.

Bill *presented,* and read the first time. [Bill 193.]

## SHANNON NAVIGATION BILL.

On Motion of Mr. Stansfeld, Bill to amend and enlarge the powers of the Acts relating to the Navigation of the River Shannon; and for other purposes relating thereto, *ordered* to be brought in by Mr. Stansfeld and Mr. Chichester Fortescue.

Bill *presented,* and read the first time. [Bill 192.]

## SHIPPING DUES EXEMPTION ACT (1867) AMENDMENT BILL.

Act read; *considered* in Committee.

(In the Committee.)

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Shipping Dues Exemption Act, 1867.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Russell Gurney and Mr. Cowper-Temple.

Bill *presented,* and read the first time. [Bill 194.]

House adjourned at a quarter after Two o'clock.

*Dr. Ball*

# HOUSE OF LORDS,

*Tuesday, 5th July,* 1870.

MINUTES.]—Public Bills—*First Reading*—Rents and Periodical Payments* (180); Charitable Funds Investment* (181); University Tests* (182); Curragh of Kildare* (183).

*Second Reading*—Magistrates in Populous Places (Scotland)* (143); Petty Customs (Scotland) Abolition* (106); Wages Attachment Abolition* (141); Protection of Inventions* (142).

*Select Committee*—Married Women's Property* (125), The Lord President *added.*

*Committee—Report*—Cattle Diseases (Ireland)* (171).

*Report*—Irish Land (168-184).

*Third Reading*—Wine and Beerhouse Act (1869) Amendment* (172); Medical Act (1858) Amendment (173); Local Government Supplemental* (150); General Police and Improvement (Scotland) Supplemental* (155); Ecclesiastical Titles Act Repeal* (175), and *passed.*

## ECCLESIASTICAL COURTS BILL—(No. 26.)

(*The Earl of Shaftesbury.*)

ORDER FOR SECOND READING DISCHARGED.

The Earl of SHAFTESBURY, on account of the great and unexpected delay which had attended the production of the Returns for which he moved in March last, felt it hopeless to proceed with this Bill during the present Session. He therefore moved that the Order for the second reading be discharged.

Motion *agreed to;* Order *discharged.*

## IRISH LAND BILL—(Nos. 122, 168.)

(*The Earl Granville.*)

REPORT.

Amendments *reported* (according to Order).

Clause 1 (Legality of Ulster tenant-right custom).

Lord CAIRNS proposed an Amendment in Clause 1, providing that a tenant of a holding subject to the Ulster custom, but not claiming under the same, shall not be barred from making a claim for compensation with the consent of the Court, under any other of the sections of this Act, except Section 7.

After some observations from Lord O'Hagan,

Amendment *agreed to.*

Clause 3 (Compensation in absence of custom).

THE EARL OF KIMBERLEY proposed the insertion of the following words after the scale of compensation in Clause 3:—

> "Any tenant in a higher class of the scale may at his option claim compensation under a lower class, provided such compensation shall not exceed the sum to which he would be entitled under such lower class, on the assumption that the annual value if his holding is reduced to the sum (or where two sums are mentioned the highest sum) stated in such lower class, and that his rent is proportionally reduced."

Their Lordships would remember that in Committee words enabling a tenant to claim compensation on so much only of his rent as would bring him into a lower class were omitted. It was on account of such omission that this Amendment was proposed, for it would clearly be unfair that a man who had an absolutely higher valuation than another should get a sum not only relatively but absolutely lower than that other person.

THE MARQUESS OF SALISBURY said, that an Amendment of such importance required further consideration, and he hoped it would be deferred till the third reading, as the Government had taken a somewhat unusual course in only giving Notice this morning of the Amendments they intended to propose.

EARL GREY also thought it would be convenient to postpone the Amendment, though at present he saw no objection to it.

THE EARL OF KIMBERLEY said, he had no wish to take the House by surprise. He thought that on consideration it would be seen that it was a reasonable proposition. It would be better to make the Amendment on the clause, and it could be reconsidered on the third reading.

LORD CAIRNS said, the only question was, whether the policy of the Amendment was a wise one. The proposal was, that to obviate the anomaly of a tenant of a £49 holding claiming three years' compensation or £147, while a tenant of a £51 holding could only claim two years' compensation or £102, the latter should be allowed to drop down into the lower scale, and claim as if his rent or valuation was only £49. The Bill had been described as one designed to give a great deal of employment to the lawyers, and he thought this proposition was well calculated to give rise to litigation. If arithmetical problems of this kind were set before the Irish tenants they would certainly be baffled, and would not know what claim to make.

THE EARL OF KIMBERLEY said, that his Amendment was intended to correct such an anomaly as, for instance, a tenant paying £101, assuming the rent to be the same as the valuation, receiving less compensation than one paying £99. The former, as the clause stood, could only receive a year's rent, or £101 as compensation, the latter might receive two years', or £198. In the case of a holding of £49 the compensation might amount to four years' rent, and not three, as stated by the noble and learned Lord. As to the Amendment being an arithmetical puzzle, he had too good an opinion of the Irish tenants, still more so of the Irish lawyers, to apprehend any difficulty in its working.

LORD REDESDALE pointed out that a man who paid £51 rent would be entitled to £102 compensation; if he paid £50, to £150; and if he paid £40, to £160; so that it would be the best thing for a man to descend two stages in the scale, because he would thus get more compensation. The scale as it now stood was a departure from what was said to be the principle of it—that there should be no great jump between one compensation and another. The present proposition would render the whole thing absurd and unintelligible. The only way to carry out the principle laid down by the noble Earl the Secretary for the Colonies would be to enable claims to be made for a certain percentage upon the rent paid, or something of that sort.

THE EARL OF KIMBERLEY said, that a man who had a higher valuation should not be paid less than a man who had a smaller holding. He meant less absolutely, not relatively.

THE DUKE OF MARLBOROUGH said, he could, not on the principle of the noble Earl, see the necessity of having a scale at all. He had understood that the scale was founded on the assumption that tenants who paid large rents were less in need of protection than those who paid small rents, that the higher the rent a man paid, the less need had he of protection and compensation.

THE MARQUESS OF SALISBURY said, it seemed to him that the scale between £40 and £50 was useless, as it would never come into operation, and therefore it had better be struck out.

The DUKE of RICHMOND suggested that, as the question was rather an intricate one, it should be deferred till the third reading.

EARL GRANVILLE said, there would be no objection to this.

The MARQUESS of CLANRICARDE held that the absurdity was not that a tenant at £101 should get less compensation than one at £99, but that a tenant at £99 should get such an enormous boon. He hoped the Government would lay down the compensation for £99, £98, and so on, so that every tenant would know what he was entitled to.

Amendment *postponed.*

The EARL of LONGFORD said, that before the next Amendment was proposed, he wished to say that he had understood that the question of compensating for the "reclamation of waste lands" was to be dealt with at the present stage; but no Notice of Amendment appeared on the Paper.

EARL GRANVILLE explained that the only point reserved in Committee was whether there could not be a better definition than the phrase "reclamation of waste lands." The legal advisers of the Government had consulted many Acts of Parliament, and had considered several suggestions, but they had failed to find a better term. He had himself come to the conclusion that there was no difficulty in understanding what was meant by "waste lands."

LORD O'HAGAN said, existing Acts of Parliament contained the phrase "reclamation of waste land."

The DUKE of RICHMOND, with reference to the sub-section 2 relating to subdividing of holdings or conacre, said, he had given Notice to propose the omission of the words "without the consent of the landlord in writing," and the substitution of the following — "after he has been prohibited in writing by the landlord, or his agent, from doing so." He thought that the House had come to a somewhat hasty conclusion on a former occasion. He then proposed to cast on the tenant the onus of asking the consent of the landlord; but his noble Friend opposite (Earl Granville) objected to the proposal, and suggested words substantially identical with those which he now proposed, and these he was willing to accept, as the difference seemed to him a very small one. There might, moreover, be force in the argument that in some instances it was more difficult for the tenant to make the application than for the landlord to make the prohibition. As this Amendment stood, it would unintentionally include subletting in thesame category as conacre, but a verbal Amendment would keep the two cases distinct. He proposed, in line 32, after ("thereof") to insert ("without the consent of the landlord in writing,"); and in line 33 to leave out ("without the consent of the landlord in writing,") and insert ("after he has been prohibited in writing by the landlord or his agent from so doing").

The EARL of LONGFORD thought the clause as it stood was very much better without the improvement. He hoped the Amendment would be rejected.

EARL GRANVILLE differed from the noble Earl, deeming the Amendment an improvement. In Committee there was considerable discussion on the clause, and he suggested words to which the noble Duke opposite assented; but a rather impetuous movement in the House defeated the object they had in view. The noble Duke had now very fairly reverted to the agreement between them.

EARL BEAUCHAMP questioned the necessity or propriety of drawing a distinction between the acts of the landlord and those of his agent, since the landlord was usually deemed responsible for the latter.

EARL GRANVILLE believed the words "or his agent" to be superfluous, but saw no objection to them.

LORD CAIRNS said, it was true the act of the agent was the act of the landlord; but the writing of the agent was not the writing of the landlord.

Amendment *agreed to.*

EARL GRANVILLE moved the omission of the following words in Clause 3:

> "And in case of any assignment of a tenancy the assignee shall not be entitled to any compensation under this section unless and until he shall have been accepted as a tenant by the landlord, provided that a devolution under a will, or upon an intestacy [or marriage, shall not be deemed an assignment under this section."

By the Bill the tenant possessed the same right of assignment as he had previously done, while the landlord's power was weakened, as he was subject to penalty for summary eviction. Their

Lordships consequently inserted in Committee the words of which he now moved the omission. A great injustice, however, would be done to the tenant if he were deprived of a right which he now possessed at common law, and which in practice he constantly availed himself of. The Government were willing to concede provisions which would effectually guard the landlord from being unjustly dealt with, for the new clause which he proposed to insert after Clause 12 excluded compensation in the event of assignment in the following cases:—1, Where the rent was in arrear at the time of the assignment, so as to render the tenant liable to eviction for non-payment; 2, where assignment was contrary to, or not warranted by, the practice prevalent on the estate; and 3, where the Court should be of opinion that the landlord's refusal to accept the assignee was a reasonable refusal. With these safeguards, he hoped the objections of their Lordships to the proposal in its more naked form would no longer exist.

Lord DUNSANY objected to the Amendment, as putting an end to all voluntary surrender of holdings. A tenant might put in the most obnoxious person he could find, and the landlord on giving notice would have to compensate for disturbance.

Lord DUFFERIN said, this would only happen on estates which had been so carelessly conducted that the tenantry had acquired a right to assign their tenancies.

Earl STANHOPE thought that the proposal of the noble Earl was a very fair one, and he, for one, should give it his support. He was not satisfied with the clause as it originally stood, for it gave full power to the tenant; nor with the Amendment made in Committee, which gave full power to the landlord. He thought the course proposed by the noble Earl would do justice both to the tenant and to the landlord. This proposal was a *via media* which might tend to decide a very difficult question, and he hoped their Lordships would give it their assent.

Lord CAIRNS said, he was of opinion that the Amendment, taken in conjunction with the proposed new clause, was a great improvement on the proposal made on a former evening, and would meet every case which the Government could fairly be asked to meet. He attached great importance to the Proviso as to the assignment being contrary to or not warranted by the practice prevalent on the particular estate, for it would cover every estate the owner of which desired to preserve a proper control over the selection of his tenants. The Proviso as to devolution by will or intestacy was also of great importance; for, although a tenant could not be allowed to transmit his holding to a stranger by will any more than by agreement, its devolution by will on some one closely connected with the family was only reasonable.

The Marquess of SALISBURY said, this was a matter on which English landlords had not the experience which Irish landlords possessed. He understood the proposal to be that wherever the custom of an estate allowed assignments without the consent of the landlord they would continue; but that where at present a landlord had a voice in the matter it would be equally potent in future. This did not appear objectionable.

The Earl of LIMERICK remarked that great difficulty arose in families from tenancies being bequeathed by will. For instance, the daughter of a neighbouring tenant sometimes induced an old man to marry her and make a will in her favour to the prejudice of his relatives. These disputes were brought before the landlord, who at present was competent to settle them.

Amendment *agreed to.*

Lord ORANMORE and BROWNE moved an addition to the clause, designed to prevent the multiplication of small holdings. The great evil of subletting ought, as far as possible, to be stopped: notwithstanding that holdings under £10 had decreased between 1841 and 1861 by 400,000, there still remained 175,000 holdings under £4 in value, 190,000 between £4 and £10, and 124,000 between £10 and £25. The desirability of preventing further subdivision became more apparent when it was remembered that the small area represented by these holdings was covered by a population of 2,000,000. Hitherto the tendency of small holdings had been to further subdivision. The way in which it was carried out was this — the family of a tenant married, and his sons and daughters-in-law remained with him either in the house or in some of the out-buildings, so that in some cases as many as four families lived in one small hut. There would be no evidence upon the land itself in such a case to show that it was subdivided, because it would have been always cultivated in little strips. He believed, therefore, that the only way to prevent subdivision would be to restrict the number of families permanently living under one roof, and if this were not done the Bill would perpetuate them. It had been alleged that this Bill would tend to consolidation of holdings, but such allegation had little foundation; for though, doubtless, landlords getting small holdings into their possession would be slow in again subjecting themselves to the fine and difficulty of getting rid of them, yet as, under the Bill it would require an expenditure of at least £25,000,000 by the landlords to buy up the small holdings of Ireland, and as, besides this, it should be taken into consideration that on the continuance of these holdings depended both the income and power of the Roman Catholic clergy, and that by this measure Parliament gave to them an exceptionally favourable legal status, it was no exaggeration to say that nothing short of another famine would render any large amount of consolidation possible. He accordingly moved the addition of the following Proviso to Clause 3:—

> "A tenant shall be deemed to have subdivided or sublet his holding if it can be shown that during any period of four months out of a continuous twelvemonth more than two married couples have been living in his house or offices."

Lord O'HAGAN said, the proposition of the noble Lord would prove impracticable. It would be better to leave the Court to determine what should be regarded as evidence of subdivision than for the Legislature to condescend to minute description of this kind. Besides, the Proviso of the noble Lord could be defeated by one of the married couples paying a visit for a few days every four months.

Amendment *withdrawn.*

The Earl of BESSBOROUGH rose to move an Amendment, providing that £100, instead of £50, should be the maximum value of a holding in respect of which compensation should be granted. Whatever might be the amount of rent which the tenant paid, when he was disturbed in his possession by his landlord without reasonable cause he suffered an injury for which he ought to be compensated. He quite understood the objection of the noble Marquess opposite (the Marquess of Salisbury) to the principle of compensating a tenant for being disturbed in his possession; but, as the noble Lords opposite had already assented to that principle, it was impossible that they could draw the line at tenants who paid £50. Let him take the case of a tenant-farmer occupying a farm of the value of £50 or £60 per annum, who paid his rent regularly, and who farmed properly, and who received six months' notice to quit from his landlord. He would be obliged to sell his stock and furniture, and for that and for the improvements he had made on the farm he might receive from £200 to £300; but he had made arrangements for continuing in his farm, and had now to try—probably under the present condition of Ireland, unsuccessfully—for another farm; and his only resource would be to emigrate. Was not that a case in which the tenant would be entitled to some compensation for being disturbed in his holding? He admitted that such a case was not likely to happen frequently, because a landlord would, as a rule, wish to retain such a tenant as he had described upon his estate; but still it was not impossible that it might occur under the Bill as it stood at present, and he would ask whether it would be wise to leave in the Bill what was likely to prove a rankling sore in the minds of a large and influential class? He confessed that he should like to see the clause without any limit at all, because even in that case he believed that the landlords of Ireland would be perfectly safe; but knowing the feeling of their Lordships, and what had occurred in the other House in reference to the matter, he should not attempt to press upon them any views of his own upon the question. He would, however, venture to appeal even to the noble Marquess opposite to assent to the Amendment he now proposed, because he knew that it would be far from the desire of that noble Lord that the measure should be nugatory in consequence of the alteration he had succeeded in effecting in it. As an Irish landlord, he was most anxious to preserve all the just rights of his class; but he could not but feel that if the alteration that had been made in the Bill were to be retained the Bill would be regarded with great dissatisfaction by the tenants of Ireland.

Amendment *moved*, line 6, to leave out ("fifty") and insert ("one hundred").—(*The Earl of Bessborough.*)

The Marquess of SALISBURY: The great difficulty which we have always had to encounter in dealing with this Bill is that Her Majesty's Government and those who support them seem to think that they can conjure away all the force of precedent and destroy all the effects of principle in relation to this legislation by simply repeating the word "exceptional." They seem to think, when they have taken a step like this, dealing violently with the rights of property, that to-morrow will be as yesterday, and that no trace will be left behind on the spirit of the people by the acts they have committed. Now, my Lords, we have to deal with an Amendment upon the Bill as it stands, which has been proposed by a noble Lord who began by telling us that he does not accept the principles which Her Majesty's Government have hitherto laid down for their guidance in this matter. He began by telling us that he would have the question of compensation awarded for mere disturbance of occupation, considered apart from all question of custom, and apart from all question of improvements effected by the tenant, and that he would have that compensation extended to every tenant, no matter what might be his wealth or his position. The principle which the noble Lord would lay down is this—that if you employ a man to cultivate your land, and the year afterwards you think better of the matter, and you do not wish him to cultivate it longer, you must pay him for terminating his employment. I wish to know how far the noble Lord would wish to carry that principle: I know that noble Lords opposite are ready to push analogy aside; but in the minds of the English people analogy will not be set aside, and they will require you to do as regards money that which you do as regards land; and the question you will have to face is this—whether you will sanction the broad and general principle that if a man is employed, no matter whether on land or in any other occupation, by any other man, and his employment is terminated, compensation is due to the man who was so employed? Such a principle is so extravagantly Socialistic that it is unnecessary that I should argue it further, and my only object in drawing attention to it is to point out that the noble Lord who proposes this Amendment goes far beyond the line laid down by Her Majesty's Government in relation to this question, and lays down principles that would be fatal to all industry. I, for one, have never concealed my aversion for this clause; it has always seemed to me that the only principle upon which it could be supported in any degree is the eleemosynary principle—the principle that the people are so poor that, as in the case of the ordinary Poor Law, it is desirable to depart from the ordinary laws of property—and upon that principle alone have I assented to it. But it appears to me that when you cross the line drawn by Her Majesty's Government themselves and say that you will extend this clause to the cases of people who, by the confession of Her Majesty's Government themselves, are able to take care of themselves—people who, we are constantly told, fill offices in the local government of Ireland, and who are of repute in their district—if you extend the principle to them you will have abandoned the eleemosynary principle altogether, and, therefore, the only plea upon which the clause can be justified. I have opposed the extension of this principle before; and what I have heard from the noble Earl who has brought forward the Motion has only confirmed my opinion that I ought to oppose it still further. Under these circumstances, I shall feel compelled, although reluctantly, to ask your Lordships to divide upon the question.

Earl DE GREY and RIPON: The noble Marquess who has just sat down stated at the commencement of his remarks that Her Majesty's Government appeared to think that they could conjure away all the force of precedent and destroy all the effect of principle as regards this legislation by the use of the word "exceptional." That would, perhaps, have been a very good answer to many of the speeches that were made upon this Bill when it was before us on previous occasions; but I certainly do not recollect hearing the noble Earl who proposed this Amendment (the Earl of Bessborough) make use of the word to which the noble Marquess opposite has taken exception. I, however, candidly admit that the legislation, as far as this clause is concerned, is, in my judgment, exceptional; and I believe that it is to be justified upon that ground. In that opinion I am not singular, nor are the noble Lords who sit on this side of the House; because the noble Lords who sit opposite also believe that the clause is justifiable on exceptional grounds, under the peculiar circumstances of Ireland, which we all desire to alleviate. I would, therefore, ask the House whether they think they would be justified in running the risk of defeating the object of the Bill on account of what is, after all, a mere matter of detail. It was upon that ground that I asked your Lordships the other night to reject the Amendment of the noble Marquess, and it is upon that ground that I now ask you to accept that of the noble Earl. I must say that I was greatly surprised to hear the noble Marquess charge the noble Lord near me with promulgating Socialistic doctrines, because that is the last accusation I should have expected to be brought against him. But my noble Friend used no such language—it is merely a gloss put upon his words by the noble Marquess himself. The noble Marquess went on to say—if a man chose to employ another to cultivate his land, is he not to be at liberty to discharge him without giving him compensation? But does the noble Marquess really mean to contend that the same relation exists between the employer and the employed as exists between the landlord and the tenant? In the latter case, the landlord seeks to let his land to a man with capital sufficient to enable him properly to cultivate his farm, whereas in the former he merely hires a labourer. The two cases are, therefore, quite distinct from each other. I trust that the House will not be led away by the arguments of the noble Marquess as they were the other evening, but that they will support the Amendment proposed by the noble Earl.

The Marquess of CLANRICARDE said, he would not go into the question of the analogy between a yearly tenant and a person hired by the landlord to till his land; but he entirely denied that Irish tenants holding farms valued at over £50 a year were not a class of men able to take care of themselves. It was admitted that landlords were always anxious to obtain and retain such tenants; there was no indisposition on the part of landlords to let their land, for what more did anyone suppose they wanted than good tenants? A farmer of good character rarely failed in procuring a farm. He did not think that the class of tenants with holdings of from £50 to £100 a year were so much more influential than other tenants as his noble Friend (the Earl of Bessborough) represented them to be. He believed that among tenants with smaller holdings they would find persons quite as influential; but, according to his noble Friend's own showing, those tenants of £50 and upwards must be wealthy, and therefore they did not require the protection which the clause, as it originally stood, would have given them. He did not believe that the alteration in the clause would have the effect of diminishing the value of the Bill in the eyes of the Irish farmers—indeed, they did not think so much about it as many Members of both Houses seemed to think they did. They were not the persons who had got up the agitation on the tenant question. He must observe, also, that when the Bill was before their Lordships for second reading, his noble Friend the Secretary for Foreign Affairs (Earl Granville) advocated it because of the advantage it would be to the lower class of farmers;—men of the class holding farms valued at from £50 to £100 were not mentioned by his noble Friend as the persons for whom the Bill was required. If these farmers were let in under the clause, it would be impossible not to extend the principle to the farmers of England and Scotland. If the House reversed its decision and acceded to the proposition of his noble Friend, they must be prepared for such an application of the same principle as might prove very inconvenient in this country.

Earl GREY said he should support the Amendment of his noble Friend (the Earl of Bessborough), though he was as much opposed as the noble Marquess (the Marquess of Salisbury) to the principle of compensating tenants for disturbance. In the discussion on the second reading he expressed his opinion that what justice to the Irish tenant demanded was the full and frank recognition of the equitable contract that might be supposed to exist between himself and his landlord arising out of transactions in the past, while allowing the two parties in future to make contracts for themselves. However, their Lordships had determined differently. They had resolved to protect the tenants by compensating them for what was called disturbance. Assuming that to be the principle of the Bill, was it wise or unwise to confine it to tenants of £50 and under, or ought it to be extended to tenants farming holdings of the value of £100? In the first place, he presumed that no class of Irish farmers would suffer more from a capricious exercise of the power of eviction, if it were exercised in their case, than those with holdings of between £50 and £100 a year. They could not avail themselves of any new means of livelihood without lowering themselves—without descending in the social scale. In the present condition of Ireland it would be difficult for such men to obtain a means of living. In that way those men would suffer more from eviction than persons of a lower class. Again, he could not help fearing that to adhere to the alteration made in this clause would have the effect of damaging the Bill in its practical working. Much as he disapproved the measure—strongly as he was of opinion that its principles were contrary to all those of sound statesmanship—he was most anxious that it should succeed, and he would do nothing to diminish the chances of its success. But would it not tend materially to diminish those chances, if that class of farmers who might be regarded as leaders of the tenantry were shut out from the advantages of this portion of the Bill? They would feel themselves injured, and entertain feelings of irritation if this were done; and the effect of such feelings would be to damage the Bill in the estimation of the lower class of tenants. As regarded the interest of the landlord, the matter was really unimportant. The Amendment applied to a class of tenants whom the landlord scarcely ever desired to remove, and who, when removed, would be removed for a cause which the Court would hold to be valid; so that the claim for disturbance would not arise. Their Lordships ought not practically to destroy the prospect of the success of the Bill for an object which was really of little or no value. The defence of the whole clause with respect to disturbance was that it was a clumsy way of recognizing a valid claim for equitable rights which tenants had acquired, and he would not vote for excluding that particular class from those equitable rights.

THE DUKE OF MARLBOROUGH said, that when the clause was under discussion the other evening he was much influenced by the arguments which had been again to-night so powerfully urged by the noble Marquess (the Marquess of Salisbury), and had voted for it. The clause was one of a very exceptional character, embodying most extraordinary principles hitherto unknown to the English law, and he had shrunk from adopting such exceptional legislation without placing some limit upon it. For that reason he felt the other evening that the proposal of the noble Marquess was one well worthy of consideration. Noble Lords opposite must not be surprised if those who sat on his side of the House did not march with the same rapidity as they themselves did in the adoption of those new and exceptional doctrines. However, since the Amendment was adopted the other night, he found that many Irish proprietors were themselves not unwilling that the limit of £100 should be fixed; and even some Irish proprietors, who ordinarily voted with that side of the House, did not regard the noble Marquess's Amendment as one of great and vital importance. Again, he did not think the Amendment was one by which, if the other House rejected it, their Lordships would ultimately abide; and he believed it was not expedient to insist on Amendments by which they were not prepared to stand. They would be putting themselves in a false position if they now adhered to the Amendment, seeing the degree of opposition it had raised among themselves, and the great probability that it would not be accepted by the other House. Another reason which would justify him in giving a different vote from what he did the other night was, that an Amendment had been made in a subsequent part of the Bill, with the consent of the Government, limiting the period for which the parties were prohibited from contracting themselves out of the provisions of the clause to 20 years. That alteration so essentially changed the whole character and complexion of this clause that he should feel himself fully warranted in supporting the Amendment now before their Lordships.

THE EARL OF PORTARLINGTON said, that if it were put to him by the Government that it would considerably diminish the popularity which it was so essential that the Bill should possess if the Amendment made in the clause the other night were insisted upon, he certainly could not resist such an appeal. Therefore, while he entirely concurred in the force of the arguments that had been urged by the noble Marquess (the Marquess of Salisbury), in favour of retaining the smaller figure, he should vote with the Government on that question as a simple matter of policy, throwing upon them the responsibility.

LORD CAIRNS said, he was unable to concur with the noble Earl who had moved this Amendment (the Earl of Bessborough) in the opinion that it would be better that no limit at all should have been introduced into this clause: on the contrary, he should have been very glad if the Government, in the first instance, had assigned, as a limit to the clause, the amount of £50, because he agreed a great deal in the abstract observations and reasonings urged by his noble Friend (the Marquess of Salisbury), both on that night and on a former occasion. But the question now was an extremely different one. A Bill had been introduced, in which the limit of £100 was originally proposed; and the impression had gained ground in Ireland that this limit was £100. He had never conceded the great objection he felt to the principle of that clause; yet he had expressed his readiness to accept the clause, and, therefore, he was bound by all the fair and legitimate consequences of the acceptance. Now, the limit of £100 having been introduced into the clause, and the Bill having been launched in that way on the public, the question was whether it was a wise and prudent thing to propose to change the limit and substitute £50? If that were a practical question, he owned he should look at it differently; but he regarded it simply as a theoretical one. Everybody acquainted with Ireland would bear him out in saying that the idea of ejecting a tenant in that country at upwards of £50 as long as he paid his rent never entered the mind of any Irish landlord. Therefore, to provide for consequences that were to happen on the hypothesis that a tenant paying £50 rent was evicted capriciously—was providing for an event that never had occurred and never would occur. On the other hand, the practical question was this—What would be the consequence of reducing the limit from £100 to £50? He entirely agreed with the noble Earl on the Cross Bench (Earl Grey), that it would simply be giving a slap in the face to the best class of Irish tenants. Among the best class of tenants that an Irish landlord could have on his estate were those between £50 and £100: their moral support was what a good landlord ought most to desire; and it would be most unwise, for a pure matter of theory, to make a change in the clause which would alienate the sympathy and good-will of that class of tenants. He should, therefore, support the restitution of the original £100 limit.

On Question, That the word ("fifty") stand part of the Bill? — Their Lordships *divided*:—Contents 48; Not-Contents 130: Majority 82.

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Beauchamp, E.
Dartrey, E.
Ferrers, E.
Feversham, E.
Howe, E.
Lanesborough, E.
Lucan, E.
Stradbroke, E.
Tankerville, E.

Clancarty, V. (*E. Clancarty.*)
De Vesci, V.
Doneraile, V.
Exmouth, V.
Gough, V.
Hardinge, V.
Hawarden, V.
Templetown, V.

Churston, L.
Clarina, L.
Clements, L. (*E. Leitrim.*)
Clonbrock, L.
Colchester, L.
Congleton, L.
Denman, L.
De Ros, L.
Dunsandle and Clanconal, L.
Foxford, L. (*E. Limerick.*)
Grantley, L.
Grinstead, L. (*E. Enniskillen.*)
Inchiquin, L.
Kilmaine, L.
Mont Eagle, L. (*M. Sligo.*)
Oranmore and Browne, L.
Ormathwaite, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Somerhill, L. (*M. Clanricarde.*)
Sondes, L.
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Somerset, D.

Ailesbury, M.
Camden, M.

Lansdowne, M.
Normanby, M.
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Bathurst, E.
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Cottenham, E.
Cowper, E.
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Portsmouth, E.
Romney, E.
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Sommers, E.
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Salisbury, Bp.

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Gage, L. (*V. Gage.*)
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Robartes, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Stanley of Alderley, L.
Stewart of Garlies, L. (*E. Galloway.*)
Sudeley, L.
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Amendment *agreed to.*

LORD REDESDALE then rose to move an Amendment, the effect of which would be to limit the operation of the clause to 20 years. He could not conceive any valid objection to what he was about to propose. The whole argument in favour of the clause had been that it was exceptional legislation; and to make that which was exceptional permanent, seemed contrary to reason in every way whatever. The noble Earl on the Cross Bench (Earl Grey) in speaking of this clause said that he thought it not only unsound in principle, but dangerous. It would certainly be both unsound and dangerous to make the clause permanent. It would be unsound to make that which was exceptional permanent—then what objection could there be to make it temporary? Further, it was dangerous, because, if in granting a boon they made it permanent, and afterwards sought to modify it, the consequence would be that they would excite discontent. But if they made it temporary, and afterwards introduced legislation to extend it, they would give no offence; on the contrary, the extension, if thought desirable, would be received with favour. Upon every principle on which the Bill was founded, it appeared to him that the clause should be limited to 20 years.

Amendment *moved*, in page 4, line 14, after ("and,") to insert ("this section shall").—(*The Lord Redesdale.*)

EARL SPENCER said, that he was, perhaps, more than anyone else, interested in the peace and prosperity of Ireland, and he was therefore anxious to say a few words—and they should be brief—upon this clause. He could not help feeling that the Amendment proposed by the noble Lord would be attended with a very detrimental effect in Ireland. No one connected with the Government of that country, or who had watched what had occurred there of late years, could have failed to observe that the relations between landlord and tenant in that country had been the source of very great evils, and had produced great discontent, and it was necessary for the peace and prosperity of the country that some settlement on a broad and firm basis should be arrived at. Now, he need not point out to their Lordships that—not on the part of one Government or another, but on both sides the House, the resolution prevailed that this uncertainty should be put an end to and the affairs of Ireland finally settled. This might be taken as the fixed reason and the deliberate resolution of Parliament. But if the Amendment of the noble Lord were adopted, would not there be agitation again in the country when the period fixed for the operation of this clause was drawing near its end? Would there not be an uncertainty again prevailing in the country, which would be highly detrimental to the cause of peace? He thought it was all-important to the peace, the prosperity, and the safety of Ireland that the question should be finally settled. What had been the state of Ireland within the last two years? The unsettled state of the relations between landlord and tenant had led, in parts of the country where secret societies were at work, to agrarian outrages, which had grown up to a serious extent; and the same feeling had spread to other districts where those crimes were before unknown, but where landlord and tenant now watched each other's movements with the utmost jealousy. He believed that this clause was of the highest importance to the peace of Ireland. In former clauses the Government had dealt with the Ulster custom, and with those parts of the country where customs analogous to those of Ulster prevailed. But what were they to do with the rest of the country where no such customs existed? That question had, he believed, been satisfactorily dealt with in this clause—a clause which, in his opinion, was thoroughly in accordance with the customs acknowledged by the best landlords, and in accordance with the wishes and habits of the people. The clause could have no injurious effect upon good landlords in Ireland. It was directed solely against bad landlords, and would operate only against those whose conduct gave rise to disaffection and discontent in the country, and who by one or two acts of tyranny excited ill-feeling in whole districts. Nothing could be more clear upon the point than the evidence of Colonel Miller, Deputy Inspector General of Irish Constabulary, given before the Devon Commission—

> "The fact of an outrage occurring in a district inflames the smouldering animosities which had previously become nearly extinct, and stimulates to the commission of other crimes, while its effect is also to suspend the progress of conciliatory arrangements for the adjustment of pending differences."

If he thought that the effect of this clause would be to weaken the influence of the landlords among their tenantry, to create ill-feeling between them, or to throw any difficulty in the way of making improvements, or if it tended to promote absenteeism, he would hesitate before he asked their Lordships to approve it; but it was because he believed that it would have a contrary effect—that by it the link between landlord and tenant would be strengthened, that good-will between all classes would be improved, and that it would tend to increase the value of property by removing the root of popular discontent, that he ventured to ask their Lordships to support the clause as proposed by Her Majesty's Government.

Lord BOSTON wished to say one word. If the Legislature were to decree that an English or Welsh landlord was to be subject to the interference to which an Irish landlord was to be subjected—if it was to be enacted that no landlord should be allowed to interfere with the settlement of his own estates without leave of his tenant—he might be imprudent, but he must say that they would think such legislation something very like confiscation.

Lord REDESDALE said, he was surprised that his proposal had met with no support; but that being the case he would not put their Lordships to the trouble of a Division.

Amendment (by Leave of the House) *withdrawn.*

Clause amended, and *agreed to.*

Clause 5 (Presumption in respect of improvements).

Earl GRANVILLE said, he had endeavoured to meet the views that had been expressed when the Bill was in Committee. He did not propose to reverse their Lordships' decision, but to make an alteration in it. The clause, as it originally stood, was, that in all claims for improvements the presumption of having made them should be in favour of the tenant. Their Lordships thought there should be no presumption either way. He now proposed that improvements in a holding shall, until the contrary is proved, be deemed to have been made by the tenant or his predecessors in title, except in certain cases where compensation is claimed in respect of improvements made before the passing of the Bill. Those cases were—(1.) Where such improvements have been made previous to the time at which the holding, in reference to which the claim is made, was conveyed in actual sale to the landlord, or those through whom he derives his title. (2.) Where the tenant making the claim was tenant under a lease of the holding in reference to which the claim is made. (3.) Where the improvements were made 20 years or upwards before the passing of this Act. (4.) Where the holding upon which the improvements were made is valued under the Acts relating to the valuation of rateable property in Ireland, at an annual value of more than £100. (5.) Where the Court shall be of opinion that, in consequence of its being proved to have been the practice on the holding, or the estate of which such holding forms part, of the landlord to make the improvements, such presumption ought not to be made. Then, in order to meet the argument that landlords might have difficulty in proving what particular improvements they had made, although it was the practice on the estate to make them, he proposed to except those cases—(6.) Where from the entire circumstances of the case the Court is reasonably satisfied that such improvements were not made by the tenant or his predecessors in title, provided always that, where it is proved to have been the practice on the holding or the estate of which it forms part, for the landlord to assist in making such improvements, such presumption shall be modified accordingly. He trusted that their Lordships would feel that this was a liberal concession, and that they would agree to the Amendment. The noble Earl then moved his Amendment in these terms.

The Earl of LONGFORD wished to remind their Lordships that they had taken a great deal of trouble to establish a simple and clear clause in the Bill; and now they were called upon to take a great deal more trouble for the sake of a weak, washy, and wordy Amendment. It ought to be remembered that in many cases the tenant held his land at a moderate rent on the ground of his executing these improvements, and they had no claim, therefore, for compensation. He trusted that their Lordships would support the excellent clause which had been passed in Committee.

The Duke of RICHMOND was sorry to differ from his noble Friend on this occasion, but he thought the Amendment proposed by the Government should be supported. He objected to the clause as it originally stood in the Bill on the ground that on many occasions it would put landlords in a position of difficulty, and the arguments of the noble and learned Lord on the Woolsack, and of the Lord Chancellor of Ireland, failed to convince him that the books could be produced as evidence in Court. He supported the Amendment of the noble Marquess (the Marquess of Clanricarde) because it left the law as it was. His objections, he must say, had in some degree been met by the Amendment which had just been moved by the noble Earl. It sufficiently guarded the rights of the tenants, while the landlord would not be put to the necessity of proving that he effected every special improvement if he could prove that by the custom of his estate all improvements were made by himself. Of course he objected in the abstract to the clause, because the principle of law was, that whatever was put into the land or upon the estate belonged to the landlord; but this Amendment certainly did protect the landlord from the injustice to which he would have been subject under the Bill as it originally stood, for in all such cases as the noble Earl referred to the *onus probandi* would fall upon the tenant. Under these circumstances he would agree to the Amendment.

The Earl of CLANCARTY said, the noble Earl (Earl Granville) did not seem to contemplate the case of a tenant who, by his industry, had raised the value of his estate to more than £100. It would be very hard if such a tenant could not obtain compensation.

Lord CAIRNS said, that the Amendment of the noble Marquess (the Marquess of Clanricarde) undoubtedly left the law as it stood at present; but even that was preferable to the original proposition of the Government, which, as regards the past, would do an injustice of the most serious kind. If a change were made in the present law of presumption it was desirable that it should assume the least objectionable form as regards the past, and it was for this reason he desired that an opportunity should be given to tenants and landlords to put on record at once, while the necessary witnesses were living, by whom such and such improvements were made. With regard to the Amendment of the noble Earl, while he could not admire the policy which dictated it, he was bound to admit that it avoided the injustice to which he referred.

THE MARQUESS OF CLANRICARDE said, he was willing to accept the Amendment.

Amendment *agreed to.*

Clause 7 (Compensation in respect of payment to incoming tenant).

THE EARL OF PORTARLINGTON moved the omission, line 33, of the words, "or implied," on the ground that all agreements should be expressed.

LORD DUNSANY was anxious to impress upon Her Majesty's Government the necessity that existed for rendering all contracts between the landlords and tenants certain. He should support the Amendment of the noble Earl.

After short conversation, Amendment *negatived.*

Clause 9 (Limitation as to disturbance in holding).

LORD CAIRNS moved to leave out from ("condition") to ("shall") in line 34 and insert ("against assignment, sub-letting, bankruptcy, or insolvency") and to leave out the words ("which shall appear to the Judge before whom the ejectment is tried to be in a reasonable condition.") The object of this Amendment was that the breaches mentioned in it should justify the landlord in ejecting his tenant, without being compelled to give him compensation for disturbance.

Amendment *agreed to.*

Another Amendment made, line 3, after ("voluntarily") insert—

("Provided, that in the case of a person claiming compensation on the determination by ejectment for nonpayment of rent of a tenancy existing at the time of the passing of this Act, and continuing to exist without alteration of rent up to the time of such determination, the Court may if it think fit treat such ejectment as a disturbance if the arrear of rent in respect of which it is brought did not wholly accrue within the three previous years").—(*The Lord Cairns.*)

THE EARL OF CLANCARTY moved to insert, at end of clause—

"Provided further, that where it shall be shown to the satisfaction of the Judge that the eviction of a tenant from his holding is on account of his exhibiting to the neighbourhood an example of habitual drunkenness, vice, or immorality, or for having, after the passing of this Act, been convicted of felony or misdemeanour, such eviction shall not be deemed a disturbance within the meaning thereof."

His object, he said, was to reserve to the landlord some kind of moral restraint over the tenant.

EARL GRANVILLE opposed the Amendment.

After short conversation, Amendment *negatived.*

Clause 10 (Exception in case of lands required for labourers cottages).

THE EARL OF PORTARLINGTON moved to insert in page 9, line 9, after "tenant," the words "of so much land as may be required for roads or belts of planting for the improvement of the estate and."

THE EARL OF KIMBERLEY hoped the Amendment would not be pressed. It was hardly desirable to go beyond the provisions contained in the clause as it stood. The making of roads might have a very serious effect on the tenant's holding, by causing a severance of one part of the holding from another.

Amendment *negatived.*

Amendments made.

EARL GRANVILLE moved to insert new clauses to follow Clause 12—

(Restriction as to compensation in certain cases of assignment).

"Where the holding in respect of which compensation is claimed under Section 3 of this Act is held under a tenancy from year to year existing at the time of the passing of this Act, and such tenancy is assigned without the consent of the landlord, and the landlord does not accept the assignee as his tenant, no compensation shall be payable by the landlord under the said section in any of the cases following:—

"1. Where the rent of such holding is in arrear at the time of such assignment so as to render the tenant liable to eviction for non-payment of rent, and such arrear is due by the tenant:

"2. Where such holding forms part of an estate upon which the assignment of holdings without the consent or approval of the landlord is contrary to or not warranted by the practice prevalent upon such estate:

"3. Where the Court shall be of opinion that the refusal of the landlord to accept such assignee as tenant is a reasonable refusal:

"Provided always that the transmission of a tenancy by bequest to the husband or wife, or to any one child or grandchild, or to any one brother or sister, or to any one child or grandchild of a brother or sister of the tenant, or the devolution of a tenancy by operation of law upon an intestacy or marriage, shall not be deemed an assignment within the meaning of this section."

(Exemption from compensation in certain cases.)

"No compensation shall be payable under this section by the landlord in respect of any holding held under a tenancy from year to year existing at the time of the passing of this Act where it is proved to the Court that the tenant is disturbed by the landlord by reason of the tenant's unreasonable and continuing refusal to allow the landlord to enter upon the holding for any of the purposes following—that is to say, mining or taking minerals; quarrying or taking stone, marble, or slate; cutting or taking timber or turf; opening or making roads; viewing or examining the state of the holding, and all buildings or improvements thereon; hunting, shooting, or fishing or taking game or fish; Provided always, that the landlord shall have offered to pay to the tenant reasonable compensation for any injury done by or consequent upon such entry."

THE DUKE OF MANCHESTER thought some words might, without injustice, be introduced giving the landlord some power of approving or disapproving the assignee of a tenancy under a will.

After some conversation, Clauses amended, *agreed to*, and *added* to the Bill.

Clause 19 (Restriction on eviction of tenant).

THE EARL OF LIMERICK said, that this clause provided that a tenant should not be obliged to quit his holding until he had received the compensation due to him. An objection was taken to it that the immediate landlord might not be in a position to give compensation. Of course, in the case of improvements, it would not be a hardship that the landlord should compensate the tenant; but there might be a case in which a middleman might allow an under tenant to come in on receiving some money; and that middleman being unable to pay the man in possession the amount of compensation awarded under the scale, the sub-tenant apparently would not be obliged to give up the land under this section until he had received compensation. He should be glad to know what the Government proposed to do with regard to this point.

LORD CAIRNS thought that this was a point that required some attention on the part of Her Majesty's Government.

THE EARL OF KIMBERLEY said, that the matter had been considered, and they had come to the conclusion that the sub-tenant who had a right to compensation from the middleman, should be entitled to hold possession of his land in case his claim remained unsatisfied only for the term to which the middleman was himself entitled. By this means the interests of the superior lord would not be prejudiced. He would undertake to bring up a clause to that effect on the third reading.

Clause 22 (Appeal from Civil Bill Courts).

LORD O'HAGAN moved the insertion of words giving the Judge before whom any question arose on which there was an appeal to the Civil Bill Court power to require, if he thought fit, that the appeal should be heard and determined by both the Judges. By this means, both Judges at Assize could be called upon to act where points of law of an intricate character arose; and where the question was only of a trifling nature, no obstruction would be offered to the public business by its engaging the time and attention of both the Judges.

Amendment *agreed to.*

LORD STANLEY OF ALDERLEY moved, to add to Clause 42, the words—

"The Board shall supply conveyances to purchasers under this clause at the lowest rate of costs consistent with the rules of the Landed Estates Court."

THE EARL OF KIMBERLEY admitted the desirability of costs being kept as low as possible; but added that rules would be framed by the Privy Council in Ireland, and they would, no doubt, take care to provide for this.

Amendment *negatived.*

THE EARL OF PORTARLINGTON moved, after Clause 67, to insert the following:—

"In every holding let from year to year the following reservations shall be supposed to be made to the landlord:

"All royalties, mines, minerals, and quarries of stone, gravel, and sand, with power to search for and work them, paying for such damages as may be done, reasonable damages; all timber and underwood above and below ground, and the right to enter, cut, and carry it away; the exclusive right of, where not otherwise reserved, turbary; also the exclusive right to all game, and of hawking, hunting, shooting, and fishing for himself and all authorized by him."

Amendment *negatived.*

Clause 68 (Special definitions).

LORD CAIRNS called the attention of the Government to this most important, but very dangerous clause, which was of such an explosive character that he feared it would blow the Bill to pieces. It was an Interpretation Clause of a perfectly novel character, and he thought it should be re-constructed. The word "landlord" was interpreted to mean—

> "Any superior mesne, or immediate landlord, or any person for the time being entitled to receive the rents and profits, or to take possession of a holding;"

in other words, a middleman; so that the tenant would be at liberty to choose which of the three was best able to pay, and make him the mark for compensation. The "tenant" was described as a "tenant from year to year, or a tenant for a life or lives," so that wherever the word "tenant" occurred in the Bill, the words for "a life or lives" would be added, and a tenant for life renewable for ever would come under the provisions of the Bill, and could claim compensation. Besides this, the word "tenant" was to include "the real and personal representatives of any tenant;" so that the heir-at-law, who might have nothing to do with the holding, would be able to claim the compensation.

THE LORD CHANCELLOR said, the wording of the clause had struck him as rather peculiar, and promised that the clause should be examined and amended on the third reading.

LORD DUNSANY moved, that the term "letting in con-acre," Clause 68, line 30, shall mean letting a holding, or any portion thereof, for any purpose except to grow potatoes on land which has been above two years in tillage.

Amendment *negatived.*

THE MARQUESS OF CLANRICARDE moved, at end of the Interpretation Clause, to add—

> "Implied covenants shall be taken to include the duty on the part of the tenant not to deteriorate his holding by an unusual or impoverishing course of cropping, or by wilful or permissive waste of any sort, or by neglecting to keep in tenantable repair any building for which he shall not be entitled to compensation, or ploughing up any land that shall have been let, by the landlord, in grass."

EARL GRANVILLE hoped the Amendment would not be pressed.

THE MARQUESS OF CLANRICARDE said, that if his Amendment were not agreed to, a proposition to a somewhat similar effect would be brought up on the third reading.

THE LORD CHANCELLOR said, that the whole matter had better be left in the hands of the Judge.

Amendment *negatived.*

THE DUKE OF RICHMOND inquired when it was proposed to take the third reading of the Bill.

*Lord Cairns*

EARL GRANVILLE said, he proposed to fix the third reading for Thursday next, because it was esteemed of great importance that the other House of Parliament should take the Amendments introduced into the Bill by their Lordships into consideration on Monday next.

EARL GREY complained of the short time which would be given to the House to consider the very important alteration which had been introduced into the Bill by their Lordships.

LORD CAIRNS suggested that if the Bill were put down as the first Order of the Day on Friday it might be sent down the same night to the other House, who might appoint the following Monday for the consideration of the Lords' Amendments.

EARL GRANVILLE said, he would agree to the proposal of the noble and learned Lord, and would fix the third reading for Friday next.

Amendments made; Bill to be read $3^a$ on *Friday* next, and to be *printed* as amended. (No. 184.)

PROTEST thereon.

## MEDICAL ACT (1858) AMENDMENT BILL.

(*The Lord President.*)

(NO. 173.) THIRD READING.

Order of the Day for the Third Reading, read.

*Moved,* "That the Bill be now read $3^a$."—(*The Lord President.*)

THE MARQUESS OF CLANRICARDE, in moving that the Bill be read a third time this day three months, said the measure would not be satisfactory to either the profession or the public. At a very large meeting of medical practitioners recently held in London, the Bill in its present shape was condemned, and a Petition against it obtained a 10,000 signatures. The great defect of the Bill was that it did not provide for an adequate representation of the profession on the Medical Council. The medical practitioners of the kingdom had shown themselves willing to make sacrifices in respect of the privileges of their own corporations, in order that the public might be protected against incompetent persons practising as doctors; but the Bill would not give the same protection to the public.

Amendment *moved,* to leave out ("now") and insert ("this day three months").—(*The Marquess of Clanricarde.*)

Earl DE GREY and RIPON said, the noble Marquess had stated that the Bill in its present shape did not properly protect the public against unauthorized practitioners of medicine. Now, the object of the Bill, both as at first introduced, and as it now stood, was to prevent any person from coming upon the Medical Register unless he had passed a due examination. It was true that the corporations and the Universities had preserved to them under the Bill the barren right of granting degrees; but persons who, having obtained those degrees, attempted to practice medicine for gain without being upon the register would render themselves liable to very severe penalties. He therefore could not admit that the Bill was altered in any of its cardinal principles, and he trusted that their Lordships would not stop its further progress. As to the representation of the medical profession generally in the Medical Council, he had nothing to add to what he had said on that point on the previous night.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative;* Bill read $3^a$ accordingly, and *passed,* and sent to the Commons.

House adjourned at a Quarter before Eleven o'clock, to Thursday next, half-past Ten o'clock.

* * *

# HOUSE OF COMMONS,

*Tuesday,* 5*th July,* 1870.

MINUTES.] — Select Committee — *Report*— Telegraph Acts Extension. [No. 336.]

Ways and Means — *considered in Committee*— *Resolution* [July 4] *reported* — Consolidated Fund (£9,000,000).

Public Bills—*Ordered*—Sewage Utilization Supplemental *.

*Ordered* — *First Reading* — Consolidated Fund (£9,000,000).

*First Reading*—Churchwardens Liability * [195].

*Committee* — Elementary Education (*re-comm.*) [167]—R.P.

*Report*—Telegraph Acts Extension * [142-196].

*Considered as amended*—Pier and Harbour Orders Confirmation (No. 2) * [178].

*Considered as amended*—*Third Reading*—Settled Estates * [110], and *passed.*

*Third Reading* — University Tests [105]; Magistrates, &c. Election (Scotland) * [177]; East India Contracts * [186]; Life Assurance Companies * [2], and *passed.*

*Withdrawn*—Cattle Stealing * [1].

The House met at Two of the clock.

## THAMES EMBANKMENT AT CHELSEA.

### QUESTION.

Sir CHARLES W. DILKE said, he would beg to ask the hon. Member for Bath, When the Metropolitan Board of Works will proceed with the embankment of the Thames at Chelsea, pursuant to the Act passed in the last Session of Parliament, and if it has been yet determined whether the embankment shall be faced with brick or granite?

Sir WILLIAM TITE said, in reply, that the embankment referred to was a very extensive work. It was to be a mile long as nearly as possible, and was intended to proceed from the front of Chelsea Hospital and to terminate at Old Battersea Bridge. It would carry with it the main sewer, and the total cost would be £250,000. The first Bill authorizing its construction passed in 1868; but, unfortunately, the clause empowering the Board of Works to borrow the money was struck out by the Chancellor of the Exchequer of that day. The result, of course, was that the undertaking could not be proceeded with. Thanks, however, to the present Chancellor of the Exchequer, another Bill was passed in 1869, which enabled the Board of Works to re-adjust all their debts, and with power to obtain all necessary funds. The money was accordingly borrowed, and the work taken in hand. He had great pleasure in informing the hon. Baronet that considerable progress had been already made. The rights over the property which was required and the various water rights were, however, extremely complicated, and consequently there were many difficulties to be encountered. Nevertheless, considerable progress had been made in the purchase of property. A portion of the embankment, beginning from Westminster Bridge, was commenced by the Government many years ago, when they thought the metropolis ought to be improved at the expense of the nation; but they subsequently changed their mind, and stopped the works near Chelsea Hospital, and a sum of £70,000 was repaid by Sir Benjamin Hall—the then Chief Commissioner of Works to the Exchequer. That embankment was faced with brick. The Board could not, perhaps, afford to make at Chelsea a granite embankment, but they would make one of what was technically and geologically known as millstone grits, which would furnish material for the construction of a beautiful and elaborate stone wall. The hon. Baronet would, he hoped, see the work carried out before the expiration of two years.

## POST OFFICE — WEST OF ENGLAND POSTAL SERVICE.—QUESTION.

Dr. LUSH said, he would beg to ask the Postmaster General, Whether he is aware that, although there is a direct line of Railroad from London to Exeter passing through the boroughs of Andover, Salisbury, Wilton, and Shaftesbury, the night postal service of the districts of which those places are the centres is carried on by the system of Mail Carts, the distance, in one of the cases, being forty miles; and if he will direct his attention to the subject so as, at least, to modify the present plan, and bring it into accordance with modern usage in other districts of similar importance?

The Marquess of HARTINGTON said, in reply, that Notice of the Question of the hon. Member had been given so recently he had not been able to institute any very full inquiry into the subject. He was quite aware that there was a railway between the towns mentioned which was not used for postal purposes; but he did not believe any material benefit would result from the establishment of direct night mail trains, as the hon. Member suggested. Such trains would not be available for the advantage of Bristol, Bath, or Gloucester, on the one side, or of Southampton, Dorchester, and Weymouth on the other. A special night mail service on the line would also be very costly.

## NAVY—H.M. SHIPS "MONARCH" AND "CAPTAIN."—QUESTION.

Mr. GRAVES said, he wished to ask the Secretary to the Admiralty, If he is aware that a portion of the information required as to the trials of the Ships "Monarch" and "Captain" has already appeared in a public print; and, if there would be any objection to lay upon the Table of the House, Copies of all Reports addressed to the Lords of the Admiralty or the Admiral in Command as to trials of the Ships "Monarch" and "Captain" after joining the Fleet in May last?

Mr. BAXTER: Sir, the Lords of the Admiralty, in the peculiar circumstances referred to in the Question which has just been put to me, are willing to make an exception to the very salutary rule of not publishing confidential Reports addressed to them regarding trials of vessels. The House will see that it might often be highly detrimental to the public service were such documents given in every instance; and in this case it must be distinctly understood that no opinion has yet been formed by the Board of Admiralty. It would be premature to do so until the results of further trials are known. All the Reports relating to the *Monarch* and the *Captain* will be laid upon the Table of the House.

## UNIVERSITY TESTS BILL—[Bill 105.]

(*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster.*)

### THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. GREENE said, that as his hon. Friend the Member for North Warwickshire (Mr. Newdegate), who had given Notice that he would move the rejection of the Bill, was not in his place he felt it to be his duty to protest against its passing. He did so, however, not on any party grounds, and as he had not had the advantage of having received an University education he was entirely free from prejudice on the subject. He, moreover, yielded to no man in his desire to promote religious liberty; but he was of opinion that we should have in this country some well-defined religious belief. He was anxious that Nonconformists should enjoy all the benefits of collegiate instruction; but he was opposed to the proposed interference with the Governing Bodies. He had a great respect for Nonconformists

—his ancestors were Nonconformists; but they could not go along with them when they ceased to be a religious and became a political body. As matters stood he felt convinced we were departing from our anchor, and it was on that ground he objected to the Bill. A question of such vital importance should not be suffered to go down to its grave without some expression of mournful regret. If, he might add, the speeches of the Prime Minister were searched it would be found that they contained passages more antagonistic to the principles of the Bill, stronger and more emphatic than any language which he could use. But, notwithstanding that, the right hon. Gentleman had no difficulty in coming down to the House and declaring that he had altered his mind. Now, he would ask hon. Members opposite whether they would employ an agent to manage their affairs who changed his opinion from day to day? Those hon. Gentlemen were, by their plausibility of manner, able to operate on the minds of the ignorant; but he would warn them that they had not the backbone of the country in favour of their views; and although he and those who objected to the Bill would, no doubt, be out-voted, it would, at all events, be a satisfaction to them hereafter to recollect that they had raised their voices against a proposal which they believed to be wrong. He believed that the tendency of the Bill would be to render the teaching in the Colleges purely secular. Should his prognostications as to the results of the measure not be verified, no man would rejoice more than himself. Entertaining those opinions, he begged to move that the Bill be read a third time upon this day three months.

MR. NEWDEGATE seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Greene.*)

MR. GATHORNE HARDY said, he did not yield to the hon. Gentleman who had just sat down in his dislike of the Bill, but having taken a Division last night upon the extreme portions of the Bill, he did not think of challenging a Division again to-day on the third reading. The House had thought proper, by a large majority, to affirm the principle of the Bill. Still, if his hon. Friend pressed the Amendment to a Division, there could be no doubt as to his vote. He did not believe that during the time of most of those present very great changes would be seen in the Universities. The period must be comparatively distant at which such changes would take effect. But one immediate effect of the Bill would be that there would be a greater amount of controversial teaching at the Universities than there used to be. The Church of England then would stand more upon the defensive than she had hitherto stood, and would be obliged to defend herself by controversial teaching. In some of the smaller Colleges, too, the evil apprehended might come more rapidly than they expected, and the necessity of almost a secular system would be upheld. No doubt the Bill assumed to guard the religious teaching of the Universities, but it was like the words in a Preamble; there was no effectual provision for this religious teaching. He was not going to discuss the Bill, but he felt strongly that there had been no impediment on the part of the Universities to the full teaching of Nonconformists there. Cambridge had long admitted them to every privilege except those which for a long time not even the Dissenters themselves asked for. Lord Brougham had been quoted to show that Nonconformists never had any right to ask for the things which were now being granted to them. At all events, they never did ask; and if reference were made to the early debates on this subject it would be seen how moderate were the demands and the expectations of Reformers then. They had now gone the whole length, the Universities were thrown open, and if this Bill passed he asked University reformers to "give us pause," and allow the Universities and Colleges to turn to that business which properly belonged to them — namely, the carrying out in an efficient manner the higher education of the country. Something, at least, would be gained if that end were attained, for the Universities and Colleges had for many years been disturbed by this agitation, and it was now greatly to be desired that they should be at rest.

MR. PARKER said, he hoped the third reading would be assented to without going to a Division. The objections of hon. Gentlemen opposite to the measure were, he admitted, natural; but they had no just right to complain of the enlarged scope of the present Bill, which was the result of the systematic resistance they had offered, year after year, to the moderate Bills that had been introduced. They might ask what they could now have worse than this Bill. He would tell them. This Bill proposed to throw open the existing general endowments of the Universities to Nonconformists as well as Churchmen; but it did not interfere in any way with the liberty of future founders and benefactors, nor did it disturb or meddle at all with the special endowments for the promotion of religious learning in the Universities. Next year, however, if this Bill did not pass, the measure which would be brought forward on this subject would probably meddle with those endowments. The present Bill also professed, on the face of it, to maintain safeguards for the existing religious instruction and worship in the Colleges and Halls, and a Bill introduced next year might be shorn of such provisions. Might he, then, recommend to hon. Gentlemen opposite to take their stand on the broad and emphatic declaration of the First Minister of the Crown that he would be no party to interference with religious liberty—to be content with the inducements which were left to the Colleges and Universities to devote themselves to religious learning —and, according to the advice of the hon. and learned Member for Richmond (Sir Roundell Palmer), to take elsewhere such steps as they might think necessary to render more effective the safeguards contained not only in the Preamble but in the enactments of the Bill. He trusted that hon. Members opposite would spare the Universities the continued agitation deprecated by the right hon. Gentleman (Mr. Gathorne Hardy), and would content themselves with a protest, instead of dividing against the Bill.

Mr. FLOYER said, he begged to thank the hon. Member; those on that (the Opposition) side were always anxious for good advice. He (Mr. Floyer) could not prognosticate who would be at the head of the Government next year; but, assuming that the present Government were sure to be in Office, he thought the hon. Member (Mr. Parker) was paying them a poor compliment by supposing that next year they might lend themselves to a Bill abolishing the worship of God in the Colleges, and doing away with that religious instruction which it had been the blessed occupation of the Colleges to furnish. This he thought he might say, that the First Minister of the Crown would not consent to do away with the worship of God in the Colleges next year. They had cause to complain of the course which had been pursued by the Government. The Bill presented a very different aspect from that which it presented when it came out of Committee. Amendments were often proposed on the Report; but they chiefly referred to the shape and form of Amendments which had been before discussed, and to a great extent agreed upon; but this could not be said of the Amendments carried on the Report of this Bill. These Amendments, in fact, altered very greatly the scope and character of the Bill, and they therefore had a right to oppose it at its last stage. He thought the House should especially guard against the admission of new principles and new enactments at that stage in such a Bill as that which they were now discussing. The Bill dealt with the relative position of the Church of England, and the great Nonconformist Bodies of the country. The questions which had occupied so much attention in past years could not have been dealt with except in a spirit of mutual kindness and forbearance. He believed that the right hon. Gentleman at the head of the Government would be the first to acknowledge that he was met on the Bill which he passed for the abolition of church rates in a spirit in every way conciliatory on that side of the House. But if they were to have alterations extending almost to the principle of the Bill, after the Committee on the Bill, and upon the Report, then there was an end to the spirit of compromise and mutual forbearance, without which questions of this kind could not be settled to the satisfaction of the country. In the conduct of this Bill there had been a wide departure from the course suggested by the spirit of compromise upon matters of detail, and therefore the hon. Member for Warwickshire (Mr. Newdegate) was fully justified in the course he had taken. Why was not the principle adopted in the Endowed Schools Act carried out in this Bill with regard to the Colleges? If it had been, there would not have been at the last moment a departure from the spirit of compromise and mutual forbearance. He joined in the protest of the hon. Member for Bury (Mr. Greene), that they had been unfairly dealt with, and he would, therefore, gladly support him in objecting to the third reading of the Bill.

SIR MICHAEL HICKS-BEACH said, he could not see any compromise in the Bill, and did not regard it as a satisfactory settlement of the question. Nothing could more tend to prevent a satisfactory settlement than such words as had fallen from the hon. Member for Perthshire (Mr. Parker). If there were safeguards in the Bill for religious instruction, he looked upon them as merely nominal, and, after the Amendment by which the operation of the Bill had been extended to the Headships of Colleges, as little more than mere illusory nonsense. If the heads of Colleges might be Nonconformists or Freethinkers, such appointments to tutorships might be made as to preclude most of the students of a College, the great majority of whom would, probably, always be members of the Church of England, from receiving any definite religious instruction, however much they might desire it. This Bill did not deal with the most pressing evil at Oxford, the result of the Act of 1854, which was, that tutors were appointed at too early an age, and devoted only the earlier years of life to College instruction. It was very desirable that Parliament should not be continually interfering with the Universities; but still means might be devised to appropriate more of the revenues to those actually engaged in teaching, and thus to tempt able men to spend their whole lives in the work. The Bill would not only damage the influence of the Church of England in the Universities and Colleges, but it would be a fatal blow to that system of giving definite instruction in Christianity to all students which surely ought to be insisted upon in the wealthiest foundations connected with education in this country.

MR. VERNON HARCOURT said, as regarded the remark of the hon. Baronet (Sir Michael Hicks-Beach) that the safeguards in the Bill had become illusory nonsense through the Amendments carried on the preceding day, the hon. Baronet must take his full share of the responsibility for these Amendments. [Sir MICHAEL HICKS-BEACH said he did not apply the expression to the Amendment proposed by the hon. Member.] He thought the hon. Baronet had said that the safeguards were become "illusory nonsense" in consequence of the Amendments of yesterday. He thanked the hon. Baronet for the conspicuous and valuable part which he took in carrying the Amendments proposed on the Liberal side of the House, and with which he had some connection. He and those acting with him obtained more than they expected, or even hoped for; and, having obtained it, they were bound to acknowledge the great help they obtained from the hon. Baronet in the success they achieved. The remarks of the hon. Member for Perthshire (Mr. Parker) had been misapprehended, for he believed the hon. Member did not intend to use anything like the language of menace with respect to the future action of Gentlemen on the Liberal side of the House; and if the hon. Member had held such language, he for one would have dissented from it. The question had been discussed on its merits, and the House had come to a decision by which it was prepared to abide. The other House had its own responsibilities, and Members on his side of the House held no language with reference to the future. At the proper time they would decide what course they ought to adopt —or, as the French said—*Alors comme alors*—and he must protest against the hon. Baronet treating the speech of the hon. Member for Perthshire as an intimation of something to be done if this Bill were rejected in "another place."

MR. MOWBRAY said, the speech of the hon. Member for Perthshire (Mr. Parker) consisted of two parts—menace, founded on reference to the past, and consolation, with respect to the future. What else was the meaning of his references to the past, if it were not that the rejection of this measure would be followed by something worse? He offered, however, very poor consolation in the assurances of the First Minister of the Crown, for though you might place implicit reliance upon his declaration with respect to the present, they afforded no security for his views a year or two hence. What the hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) meant by the expression he used was that, as the Bill stood, without any enactment which gave security for the future, the words inserted yesterday in the Preamble and the new clause were merely "illusory nonsense;" and they were inserted at the instance of the hon. and learned Member for Richmond (Sir Roundell Palmer), who admitted that the Bill left this House with grave defects, which he hoped would be remedied in "another place," and who referred to a memorial from staunch supporters of the Prime Minister at Oxford University, who regarded the Bill as affording no security for the continuance of religious teaching. This was what the hon. Baronet meant. For one, he was glad that the Bill would be discussed in "another place;" and he trusted the hon. and learned Member for Oxford (Mr. Vernon Harcourt) would give due consideration to the Amendments made there. If it was to become law, it ought to give greater security for the continuance of religious teaching than it gave at present; and, therefore, he was compelled to say "No" to the Motion for the third reading.

Colonel BERESFORD said, he must complain of the inconsistency between the declared opinions of the right hon. Gentleman the First Minister of the Crown and the Government proposals, which would open up the chairs in the Universities to Roman Catholics.

Mr. NEWDEGATE: Sir, I regret that I arrived in the House a few minutes too late to move the rejection of this Bill as I had given Notice; but I sincerely rejoice that the Motion has been proposed by my hon. Friend the Member for Bury St. Edmunds (Mr. Greene); because, as that hon. Member has stated to the House, he has no connection with either of the Universities, and cannot, therefore, be suspected of academical bias or prejudice; he represents the common feeling, which prevails among the great body of the laity of the Church of England on this subject. By this I do not mean that there is not a considerable minority of members of the Church who have been drawn into the meshes of a wanton Liberalism; but I affirm that the great body of the laity of the Church of England must and do regard this Bill as intended to take away from them rights which are equivalent to property, and to dissever from their religion the education given at the Universities, which they have always known to be identified with their denomination, if you like so to term it. This Bill takes away educational securities from them. I fully believed hon. Gentlemen opposite when they expressed their willingness to come to some arrangement; but now, seeing that there is a determination on the part of a minority amongst them to admit no compromise, I am quite resolved that they shall gain nothing but what they absolutely take. We will concede, as far as I am concerned, no more. If you will come to no understanding such as that on which we have hitherto acted; if now, in the face of the country you declare that you will wrest from us that which we believe to belong to us of right, as the laity of the Church of England, you shall take it. Some hon. Members think that this House so fully represents the country, that the country has no opinion but that which is expressed in this House. I believe that hon. Members have a good deal to learn upon that subject: since we, the minority in this House, are treated in this way, that terms are offered to us one Session and withdrawn the next, and we are told, that if we do not accept these worse terms, still worse terms shall hereafter be exacted from us, I am determined to do all I can to send this Bill to the country. Hon. Gentlemen deceive themselves. I know that, for the sake of party considerations, a great number of Members on that (the Government) side of the House have voted for the Bill against their convictions. ["Name!"] The speech of the hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer), made only last night, proves the fact. The hon. and learned Gentleman expressed a hope not on his own part only, but on the part of five Heads of Houses in the University of Oxford, and of 16 resident Masters, all of whom are Liberals, that the excesses of this House may be corrected by the House of Lords. And let me call the attention of the House to this fact. This remonstrance on the part of the Liberal members of the University of Oxford, therein resident, was made before the final alterations were effected in this Bill. The future character of the Heads of Houses had not been dealt with by the Bill at the time when that remonstrance was written; and now, in order to convince us, members of the Church of England, how completely it is the determination of those who lead the majority on the Government side of the House effectually to dissever the education of the Universities from the teaching of the Church of England, henceforth each Head of a House, with all his power and control in domestic arrangements and discipline, which constitute so large a part of education, is not to be, as heretofore, of necessity a member of the Church of England. You have done this since the remonstrance from the Liberal residents in the University of Oxford was written; and I cannot doubt that, if their feelings were so strong, that they committed the expression of them to the hon. and learned Member for Richmond before this change as to the Heads of Houses was made, many more by this time feel with them in opposition to this Bill, as it now stands before the House. I believe that this Bill is the product of the minority in each of the Universities. I have had papers sent to me which show distinctly that this is the fact; and I am equally certain, that in this House a real approbation of the Bill is confined to a section which does not number more than 100 Members, not a sixth of the whole House. ["Oh, oh!"] This is my conviction; and I have been no inattentive observer of the progress of the Bill. To illustrate the truth of what I have said, I will read a paper which has been sent to me from Cambridge. It is signed by the leading members of that University, and is to this effect—that on the 13th of May notice was given that, at the meeting of the Council to be held on the 16th, the following Petition to the two Houses of Parliament would be proposed:—

> "The humble Petition of the Chancellor, masters, and scholars of the University of Cambridge, showeth, that a Bill entitled 'A Bill to alter the law respecting religious tests in the Universities of Oxford, Cambridge, and Durham, and in the Halls and Colleges of those Universities respectively,' is now before your honourable House. That the said Bill, while removing divers restrictions, tests, and disabilities, fails to provide proper and adequate safeguards for the maintenance of religious instruction, worship, and discipline in the said Universities, Colleges, and Halls. Your Petitioners, therefore, humbly pray that the said Bill in its present form may not pass into a law."

Let the House remark that these were the terms of the proposed Petition to Parliament before the alterations were made upon the Report of the Bill, and gave the measure a still more destructive character. The Paper then proceeds—

> "That at a meeting held by certain residents in the afternoon of Friday, May 13, it was resolved to send to the Vice Chancellor a memorial signed by 'resident Members of the Senate,' requesting him to lay before the Senate, for its consideration, a Petition against the said Bill. In less than two days, and with little personal canvass, the memorial received the following 94 signatures," including those of the leading men at the University; "with one exception, indeed, all the Heads of Houses who are members of the Council signed this memorial." There are also the names of the most scientific men at Cambridge—men whose names are known throughout Europe and on whose reputation that of the University mainly rests. The gentleman who collects local news for the newspapers, and who is generally understood to be Dr. Liveing, described the movement (*Times*, May 16), as a "stir" in the University, intended to "coerce the Council," and expressed his hope that the Council would not listen to such clamour. "The party who favoured the Bill actively employed themselves in getting up a counter demonstration. Their memorial, it is said, was signed by one Head of a House and by four or five Professors, whose 'advanced' opinions are well known. As the promoters solicited the signatures of all residents, whether Members of the Senate or not, they contrived to swell the number of names to 69"—

that is to say, 69 in all, as against 94 residents. The Council met on the 16th May, and decided by a majority of 1, that the University should not be permitted to petition—

> "Thus," proceeds the paper which I quote, "by a majority of 1 the University was prevented from expressing its opinion on a subject that affects its most vital interests. It was by a little majority of 1 that University action was paralyzed last year in the matter of the Irish Church Disestablishment Petition. It may seem strange, that as the Council is virtually elected by the resident Members of the Senate, a majority of the Council should hold opinions so distasteful to their constituents. The fact is, the resident Members of the Senate are, for the most part, men of middle or advanced life, scattered throughout the University, and difficult to move. There is a small but well-drilled body of men, principally members of one College, who are rapidly brought together, and who, by watching opportunities, often unduly influence elections. It was by a surprise of this kind that most of the Council were elected last October twelvemonth. Little interest was felt in the matter by the Conservatives. They looked on the members of the Council as mere assessors to the Vice Chancellor —men whose business it was to aid him in preparing graces for the Senate, and in the ordinary drudgery of University business. Nobody ever dreamt that they would dare to prevent the Senate from expressing its opinion upon such a subject as the present one. It is true that each member of the old Caput, which the modern Council represents, had the right to Veto, but hardly once in half a century was this right exercised, an

then excited the indignation of the University. The Liberals, when they first agitated for reform, denounced this power of Veto as a scandalous abuse, and justly. The same men, now they have a majority, exercise the power without a scruple."

Thus, I have shown the House that the University of Cambridge, owing to its organization, was deprived of the right of addressing this House upon a most important subject. This was not a question between one Petition and another, but the great body of the Masters of Arts were debarred from expressing any opinion whatever. Now, Sir, this is the kind of intrigue for which I apprehended that scope would be afforded by the Act for the regulation of the University of Oxford while it was passing through this House in the year 1854. I then foresaw a danger of this kind, that the great body of the Masters of Arts throughout the Kingdom might, by intrigue, be deprived of their rightful voice in matters connected with the Universities. I will not trouble the House with reading what I then said, but content myself with referring to *Hansard's Debates*, vol. cxxxii. p. 1150—Oxford University Bill in Committee, May 1st, 1854. On that occasion I spoke against the clause, which gave the opportunity of committing this kind of abuse to a small minority among the resident Masters of Arts in the University of Oxford, and the majority against us on this subject was only 13 in a full House. It seems that the organization of the University of Cambridge is even more dangerously exposed by its composition to this kind of abuse than that of Oxford, and of this you cannot have a better illustration than the fact that the majority—this small body of some 15 persons assembled in the Council—silenced the Masters of Arts on the occasion to which I have referred. I know that hon. Members may consider that these representations come too late, and they may have come too late for them, but not too late for the country. Sir, the Bill, as it now stands, is a measure of a very peculiar character. It does this. It proceeds upon the principle, that no lay member of the Church of England ought to be considered entitled to claim, in virtue of his membership, any preference in our Universities, whilst it reserves to the clerical members of the Church, who are connected with the function of teaching and government in the Universities, their privileges. Now, that is the principle of the Church of Rome, in which the clergy only are considered as being members, and as having any rights, as though they were everything, whilst the laity were nothing. Throughout this Bill, professing to be Liberal, is, in character and principle, a measure to have drawn which would do credit to any Jesuit. ["Oh!"] Hon. Members say "Oh;" but that exclamation only shows, either that the observation is disagreeable to them, or that they do not understand it. For what are the usual characteristics of the action of the Jesuits in this country? The Jesuits pretend to be vastly liberal with respect to the organization of everybody but their own; and especially liberal when any subject is mooted, touching the rights and privileges of the Church of England. The Jesuit is vastly liberal in everything except that which may impede or tend to impede the course of the despotism of which he is the agent. It is almost ludicrous to see hon. Members, who think themselves great Liberals and sincere advocates of freedom, led by the agents of despotism to destroy that very organization, upon which the maintenance of their own freedom chiefly depends. It seems to me a picture of the geese led by the foxes. Then, hon. Members, when this is put plainly before them, stare as if they had never before heard of this characteristic of these agents of the Papacy. This is another proof of the extreme ignorance of history which was manifest in the speech of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) the other night. The noble Lord then spoke of the last century and a-half as a period of positive darkness in the Universities of this country. ["Oh! oh!"] Yes; and he spoke of that which has been truly called the Augustean age of English literature as a period of darkness.

LORD EDMOND FITZMAURICE: I did not say what the hon. Gentleman attributes to me. I spoke of the University as a teaching body, and I stand by what I said.

MR. NEWDEGATE: The noble Lord has correctly described what he said. He said that the Universities during the last century, being the chief teachers of the higher classes, were in such a state of darkness as was perfectly lamentable. So far as the state of literature at that time is concerned, Lord Macaulay and Mr. Carlyle certainly differ from the noble Lord; but in the estimation of so bright a light of modern Liberalism as is the noble Lord, that circumstance is, no doubt, of small account. What cares he whether the works of Johnson, Addison, and others are not inferior to those of this most enlightened age? [Lord EDMOND FITZMAURICE again rose.] I suppose the noble Lord would refer to what he said respecting the state of religion in the Universities at that time. He said that the religion of the Universities then consisted in copious libations of wine—others probably differ from the noble Lord in that opinion of the religious teaching of the Universities at that time. It was Protestant Church of England teaching—a religion too simple, too distinct, too trenchant, and too true for the taste of the noble Lord. But it is to this kind of religion the great body of the English people are attached. They love the Protestant teaching of the Church of England. The noble Lord the Member for Calne, in the description which he has given of himself in *The Parliamentary Companion*, says that he "is in favour of the abolition of religious tests at the Universities and of a modified system of compulsory education." The noble Lord appears to me in this description of himself to afford a fair illustration of a "Liberal by profession and a tyrant at heart." Other members of the Universities will grieve when they see hon. Members of the date and style of the noble Lord coming to this House and condemning the institutions in which they and the noble Lord have been educated. We have all heard something of birds which "foul their own nests." I must say that that speech of the noble Lord, which seems to have met with special favour among extreme Liberals on the other side of the House, savoured little of toleration. And, Sir, I remember that, in another debate on education, the hon. Member for Stroud recently declared, that, to him as an extreme Liberal, toleration and intolerance were alike indifferent, so devoted was he to equality, as though for all evils equality is to be considered the only remedy. If so, the hon. Member suggested to the people of England a principle which, if adopted, would establish a dead level, above which the hon. Member would find it difficult to rise. Let the House consider for a moment what is contained in the Schedule to this Bill. The Solicitor General yesterday introduced words at the end of the 5th clause, which now stands thus—

> "After the passing of this Act, the Acts specified in the Schedule to this Act are hereby repealed to the extent in the third column of the said Schedule mentioned, and any provision in any Act of Parliament or in any statute or ordinance of the said Universities or Colleges, so far as it is inconsistent with this Act, shall be repealed;"

the principle of the Act being to abolish the Church of England character of all three Universities. And what are the Acts which it is necessary partially, at all events, to repeal in order to effect that object? They are set out in the Schedule, and the first of them is—"An Act for the Uniformity of Public Prayers and Administration of Sacraments and other Rites and Ceremonies, and for Establishing the Form of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons in the Church of England." Now, I know that some hon. Members, perhaps the hon. Member for Sheffield, will say, that if the State establishes a certain form of worship and prescribes certain articles of belief, this is an abuse and a violation of freedom. But the same may be said of any definite law. Sir, the difference between freedom and despotism is this—that freedom is secured, when a nation is governed by established laws passed by the representatives of the people, whilst despotism consists in enforced obedience to the uncontrolled will or caprice of some body or person. I say, therefore, that the Act, which has established uniformity of worship, contains the only and the best securities which the laity of the Church of England possess that they shall not have thrust upon them—at the despotic and, it may be, the capricious will of the clergy—novel and alien forms of worship. I consider this Act of Uniformity one of the laws which secures the freedom of the members of the Church of England. The next Act mentioned in the Schedule is—"An Act for the further security of his Majesty's person and Government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors." In accordance with the description which I have given of the general tenour of this Bill, it herein again tends to sweep away the enactment, which excluded the descendants of James II. from the Crown, and why was this statute enacted? It was in vindication of English freedom against the Popish tyranny of a Sovereign, remarkable for nothing more than for his determination to tamper with the Universities. My education may have been very deficient as to the means found efficacious for the encouragement of freedom; but I certainly thought that the people of this country had deemed it necessary to get rid of this dynasty, because of its despotic invasions of the laws and liberty of the nation. The next Act contained in the Schedule is—"An Act to relieve, upon conditions and under restrictions, persons therein described from certain penalties and disabilities to which Papists or persons professing the Popish religion are by law subject." This law again contains securities, and thus, again, you are beating down safeguards and granting privileges to the Ultramontane Roman Catholics, who desire to establish their authority in the Universities. Was I not right, then, when I said that this Bill might have been drawn by a Jesuit? And, lastly, we are called upon to repeal certain provisions in the Act 19 & 20 *Vict.*, c. 88, which makes "further provisions for the good government and extension of the University of Cambridge, of the Colleges therein, and of the College of Henry the Sixth at Eton." This is a recent statute. Why, Sir, every one of the changes you are making sweeps away securities not only for the teaching of the Church of England, but for the freedom of the laity. In your pretended love of freedom you are destroying the safeguards which all experience proves to be necessary to its preservation. Sir, this question of University education affects the entire body of the people, and it affects them in this way—these changes must tend to alter the character of those who must possess property and influence, and change it for the worse. It will change the character of the clergy by associating them with less tolerant denominations, and especially that denomination to which I have had occasion so often to refer. Therefore, I oppose the Bill. I believe that the Legislature has gone as far as safety will justify in opening the education given at the Universities to the Nonconformists of this country, judging by the associations which those who should be their representatives in this House maintain for party purposes. It is not safe to commit the government of the Universities and Colleges to a body of persons, who will not, as heretofore, be bound by the principle of toleration which is the great characteristic of the Church of England.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 247; Noes 113: Majority 134.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[Bill 167.]

(*Mr. William Edward Foster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 4th July.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 29 (Election of school Board).

Mr. W. E. FORSTER said, with reference to the decision at which the House had arrived the previous evening—to have but one school Board for the whole of the metropolis—the words had by mistake been read out as "school Boards," and the error would, of course, be rectified upon the Report. But the conclusion itself which had been arrived at was a most important one. The original proposition made by the Government had seemed, under the circumstances, the most suitable. He did not deny that there were many objections to it, though still stronger objections apparently existed to almost any other alternative. The change that had now been resolved upon was so important that he did not think the Government would have ventured upon it unless they felt that it was supported by the metropolitan Members generally. It had been rather hard upon the Government in carrying an important measure of education that they had been compelled to entertain one or two side questions of almost greater importance, such, for instance, as election by ballot and the government of London. If necessary, he was quite convinced that he could show the House that the course now proposed was the best way of meeting the difficulty in London, but he did not wish to anticipate the discussion which must arise. He had now an appeal to make to his hon. and learned Friend the Member for Finsbury (Mr. W. M. Torrens), for whose assistance in this matter the Government felt much obliged, and that was that he would withdraw the clause on this subject which stood in his name upon the Paper, and allow a clause to be substituted by the Government. The matter was one involving so much grave responsibility that the Committee would naturally expect the details to be worked out by the Government. In the meantime he would move, in page 11, line 1, after the word "Board," to insert the words "except in the metropolis."

MR. W. M. TORRENS said, that as the Committee had been induced to adopt the principle for which his hon. Colleagues and himself contended, of having one school Board substituted for several in the metropolis, he thought it only fitting that it should be left to the Executive Government to work out the details of the plan. It was quite by accident, as his right hon. Friend had stated, that the word "Boards" had been substituted for "Board," and he appealed on this point for confirmation to the hon. Member for Westminster (Mr. W. H. Smith), whose services in connection with this Bill he could not too strongly acknowledge. He would withdraw his clause, upon the distinct understanding that the election of the school Board should be by the burgesses and ratepayers at large, and not by municipal bodies or vestries.

LORD JOHN MANNERS said, there could be no difficulty in adopting the Amendment proposed by the Vice President of the Council; but, with reference to the Motion which had been adopted on the previous evening, he felt it right to say that he had distinctly reserved his right to discuss the question whether there should be one school Board or more than one school Board for the metropolis. The question was one of such magnitude, difficulty, and delicacy that he should be extremely sorry that the Committee felt themselves precluded from again considering it by a discussion which had not lasted five minutes.

MR. W. E. FORSTER said, he felt it would be unreasonable to expect that all the Members of the Committee should consider themselves pledged to this particular decision. He had merely thought it right to state the view which was taken by the Government.

MR. LIDDELL said, he wished to know what arrangements would be made for polling a constituency so gigantic as the Parliamentary constituency of the metropolis, which was all, it seemed, to take part in the election of the new school Board?

MR. W. E. FORSTER said, that all the arrangements with regard to the poll would be duly set forth in clauses and schedules to be introduced by the Government.

MR. W. H. SMITH said, he had to thank the Government for the manner in which they had dealt with this particular question, which was of vital importance to the metropolis. There would be a disadvantage in leaving the management of the schools to 23 separate bodies, and if there were only one school Board a degree of responsibility would be secured which, if there were a great many it would be impossible to attain.

Amendment *agreed to.*

MR. REED said, he wished to move an Amendment to the effect that the numbers of which the new Boards were to consist should not be less than six or more than 15. There was a very general expression of opinion that three was too small a number. He would first move in page 11, sub-section 1, line 38, after "shall" to insert "not."

MR. W. E. FORSTER said, he should not object to the number being fixed at not less than five or more than 15.

LORD ROBERT MONTAGU said, he would point out that as it was provided that one third of the Board should retire every year the number decided upon must be a multiple of three. Otherwise the result would be that the whole of the Board would have to retire, and then there would be an interruption of continuity, which would operate very disadvantageously to the interest of the school.

MR. W. E. FORSTER said, he ought to have called the attention of the Committee to the fact that another consequence of the alteration which had been made on the previous evening would be that the principle of rotation must be given up. The question, under these circumstances, arose whether there should be an annual or a triennial election of the Boards, and in his opinion a triennial election would be better. In making, however, a proposal to that effect the Government must ask the Committee to give them additional powers; for it was possible those Boards might in some districts be disposed to baulk the operation of the Bill, and then the power of dissolution would be one which it might be found expedient to exercise.

Lord ROBERT MONTAGU said, while approving the suggestion of triennial election, he thought it would not be well to give the Privy Council the power mentioned by the right hon. Gentleman without further consideration. In the event, he might add, of the proposal now made on the part of the Government being adopted, it would be unnecessary that the number of the Board should be a multiple of three.

Mr. MELLY said, he wished to know how a vacancy was to be filled up in the event of a member of the Board resigning or dying? Was the matter to be left in the hands of the Board, or in that of the ratepayers?

Mr. W. E. FORSTER had no idea of leaving such a power in the hands of the Board.

Colonel BARTTELOT said, he was disposed to regard the term of three years as the best time to fix upon; but he strongly objected to such a power as that of dissolution being placed in the hands of the Privy Council.

Mr. GATHORNE HARDY said, he was of opinion that it was impossible the body who elected the school Boards should determine what their number should be, and that the matter was one which it would be better to leave to be decided by the Education Department.

Mr. W. E. FORSTER said, he did not think there would be any difficulty in the country parishes in convening meetings of the ratepayers for the purpose, while it would be perfectly easy for Town Councils in boroughs to settle the matter.

Mr. GATHORNE HARDY said, he must suggest that there were towns with as many as 20,000 or 30,000 inhabitants which had no Town Council.

Mr. W. E. FORSTER said, he thought the difficulty might be obviated by the insertion of the words—

> "As may be determined in the first instance by the Education Department, and afterwards from time to time by a resolution of the school Board to be approved by the Education Department."

Mr. REED said, this would meet his own view as expressed in the two Amendments of which he had given Notice.

Amendment, by leave, *withdrawn.*

Amendment (Mr. W. E. Forster) *agreed to.*

Mr. HIBBERT said, with reference to the officers directed to summon the elective body, he would beg to move in page 12, line 11, to leave out the word "churchwardens" in order to insert the word "overseers." In many townships, he might remark, there were no churchwardens.

Mr. GATHORNE HARDY said, he would suggest that it would be better to insert "or other officers" after the word "mayor." He thought that "churchwardens" should stand.

Mr. HIBBERT said, he thought this question of education ought to be quite distinct from Church matters.

Mr. W. E. FORSTER said, he thought it would be better for the overseers to act wherever they could do so. It was certainly not desirable to produce the false impression that the matter was connected with the Church.

Mr. GATHORNE HARDY said, he would point out that churchwardens were *ex officio* overseers. He believed that overseers as such scarcely ever summoned meetings.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 30 *agreed to.*

Clause 31 (Disqualification of member of Board).

Mr. REED said, he proposed to make the clause more stringent. He moved, in line 24, after "them" to insert "and no partner of any member or manager, nor any person on the behalf of either of them."

Mr. W. E. FORSTER intimated that he would alter the latter part of the clause to meet the views of the hon. Member.

Mr. MELLY said, he would beg to move after the word "mayor," to insert the words "or town clerk," so as to make the town clerk, as well as the mayor, eligible to sit on the school Board.

MR. W. E. FORSTER said, he thought it was undesirable to adopt the Amendment. The town clerk would be the most likely person to be elected secretary to the Board.

SIR HARRY VERNEY said, he knew a borough where the town clerk would be the most fitting man to be on the school Board.

MR. GOLDNEY said, he thought it would be better to leave the matter open, and omit the words "or the body electing them."

Amendment, by leave, *withdrawn.*

Amendment proposed, in line 24, to leave out the words "other than that of mayor."—(*Mr. W. E. Forster.*)

Amendment *agreed to.*

Amendment proposed, in line 26, to leave out the words "or the body electing them."

Amendment *agreed to.*

MR. W. E. FORSTER said, he would accept the Amendment of the hon. Member for Wednesbury (Mr. Brogden), and move in page 12, after line 33, to insert the following sub-section:—

> "The insertion of any advertisement relating to the affairs of any such school Board in any newspaper in which such member has a share or interest."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 32 (Disqualification of member of Board).

Amendment proposed, in page 13, after line 8, to insert—

> "The school Board shall not, upon making such appointment of any officer or teacher, apply to him or her any test as to any particular religious doctrine or denominational tenet distinctive of any religious body or sect."—(*Mr. Haviland-Burke.*)

MR. W. E. FORSTER said, he appreciated the object of the hon. Member, but thought that nothing would really be gained by the insertion of the words. He thought the Amendment, if inserted, would remind the Board of those differences which he should like to see cease.

MR. WALTER said, he believed the Amendment would do mischief, and give no real protection. It might just as well be expected that the school Board would require the schoolmaster or schoolmistress to dance a hornpipe.

MR. MIALL said, he conceived that some little protection was afforded by the Amendment.

MR. W. E. FORSTER said, he trusted school Boards would ask no such questions. If the Amendment was agreed to it could easily be evaded by a member of the Board getting a friend to put the required questions to the teachers in the streets.

MR. DIXON said, there was nothing in the Bill to prevent the school Board putting such a test as the Amendment referred to, and he, therefore, regarded the proposed provision as important.

LORD ROBERT MONTAGU said, that these matters must be left to the good feeling of the Board. Such an enactment was sure to be inoperative, for he thought that if the Amendment were inserted in the Bill, it was quite possible that its terms might suggest to school Boards the possibility of evading the enactment by imposing a test before taking into consideration the appointment of the schoolmaster.

MR. PEASE said, after the discussion on the 14th clause, he had come to the conclusion that tests were worse than useless. They must trust somebody, and they could not do better than trust the schoolmaster, who had the greatest interest in maintaining the character of his school.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clause 33 (Formation by Education Department of united districts).

Amendment proposed, in line 11, after "larger" to insert "or smaller."—(*Mr. Holt.*)

SIR JOSEPH BAILEY said, he had an Amendment on the Paper which would enable the Education Department to unite "parts of school districts" as well as whole school districts, and would thus solve the difficulty. Such a provision would be absolutely necessary to make the Bill work in South Wales. His own parish consisted of a considerable agricultural district, and, on the other side, of a vast tract of mountain land, a small strip of a mineral district, and it would be as impossible to work these two divisions as it would be to work a parish, part of which was in Calais and the other part in Dover.

SIR SMITH CHILD said, he had an Amendment on the Paper which he thought would meet the case—his proposal being that the Education Department might divide any parish or borough which, either because of its size or situation, could not be managed by one school Board, into two or more small districts. There were several parishes either so large or so divided that he was quite satisfied it would be impossible to work them under the Bill as it stood.

MR. W. E. FORSTER said, there were several reasons why the Government could not accept the Amendment. No doubt in some cases the clause as it stood would create some inconvenience, but they must consider the position in which they found existing divisions. They might originally have taken the Union instead of the parish as the unit; but there were such difficulties in the way that the idea was abandoned, and it was then found that small parishes also presented some obstacles to a smoothly and efficiently working measure. Therefore, they took power to unite parishes to any extent which might seem necessary. If the Amendment was acceded to, from every district they would have applications to divide, for almost everywhere they would find clusters of individuals who would say they had provided schools for their part of the parish, and would ask not to have the responsibility of the schools of other parts thrust upon them. Thus in not a few instances they would find the portion of the district which, being well able, had naturally supplied the want of educational machinery, demanded to be separated from those quarters of the district which, being poor, were unable to relieve its educational destitution, and they would have to try the dispute between those conflicting interests. He feared they must adhere to the responsibility which was acknowledged as a whole to belong to a parish for rating purposes. There was doubtless a degree of injustice involved in all those instances in which people were taxed for their neighbours, as, for instance, in any kind of poor rate. Yet nobody complained of the injustice of being taxed for the poor. He did not think they could undertake the responsibility of dividing the districts upon the principle of relieving those who had performed their duty, and of leaving all the responsibility on those who were practically unable to perform it. However, in another part of the Bill they exempted parishes which had provided for themselves beforehand. If they were to divide the country into small districts they would be obliged to go on dividing it into still smaller. The case in Wales of large parishes with great natural divisions was peculiar, and he would be glad if some plan could be devised of meeting such special circumstances. It was suggested by his hon. Friend the Member for Stoke (Mr. Melly) that they should take the ecclesiastical division, but that was deficient in not being available for purposes of rating, and was further objectionable, because it would allow the Church to take the whole of a certain portion and leave the rest, which might be inhabited by the very poorest, to bear the whole burden. In conclusion, he was afraid they could not get rid of the fact acknowledged and the law of the country—that a parish was a unit having certain responsibilities from which it could not be relieved. Wherever there was a separate township assessed for the purposes of rating, advantage would be taken of it.

MR. STEPHEN CAVE said, he would put the case of ecclesiastical parishes, many of which he knew in the South of England, which had been cut out of two or three large civil parishes. There was a church and a school, with adequate accommodation, provided by the subscriptions and exertions of the clergyman and inhabitants; but they were now told they would have to be rated for the adjacent civil parishes, and their school would have to be under the school Board, perhaps of a neighbouring town. He thought that was a case of great hardship. There was, he was aware, the rating difficulty, but it was not insuperable. In the analogous case of drainage being required in one portion only of a parish, a separate drainage district was formed, the rate was apportioned and the difficulty got over. This was really a parallel case, and the rate might be apportioned also. It was not there, as had been said, that these ecclesiastical parishes were usually the richest parts of the civil parishes, on the contrary, they were often formed of the most remote, poor, and neglected portions, for the express purpose of bringing amongst the people, a church, a school, and the conditions of civilization. This would strike a blow at the voluntary system, as subscriptions and rates could not exist together.

MR. PEASE said, Clause 41, providing that the Education Department might direct one school district to contribute to the maintenance of the schools of another district would to a very great extent, do away with the difficulty.

MR. W. E. FORSTER said, that the formation of a drainage district could not be made except with the consent of the entire parish, and the two objects were wholly dissimilar. No doubt the difficulty was to a certain extent met by the Contributory Clauses, and the Department in forming the school Boards would bear in mind the peculiar circumstances of each case.

SIR JOHN PAKINGTON said, he thought that the successful working of the Bill would depend a good deal on the nature of the district, and his fear was that in many cases these would be too small, though he quite agreed that the parish was better than the Union for the purposes of rating. The cases would prove very rare in which it would be desirable to divide a parish, but cases would be endless in which a small parish would be too small. He thought his right hon. Friend must have some scheme in his mind by which the difficulty might be met and this portion of the Bill made to work.

MR. BRUCE said, it was absolutely impossible to lay down any strict rule, as the different districts must depend greatly upon extent and population. Reference had been made to some extensive parishes in Wales, and he himself was likely to feel that difficulty keenly. He lived at the extremity of two parishes, each about eight miles in length; he had done his best to supply the ends of those parishes nearest him with schools; but now, under the Government Bill, he would be taxed for the support of schools at both their further extremities. It was impossible to make a rule for every case, but as regarded parishes passing over a range of mountain, and having at one end a population which belonged, geographically speaking, to the neighbouring district, they would naturally avail themselves of Clause 41, and contribute funds for the education of their children in the parish adjoining their own.

MR. HUNT said, that if his right hon. Friend would only consult his draftsman he might find some way out of these difficulties and inconveniences, which were likely to be numerous. Take, for instance, the case of a town spreading into a rural parish, the bulk of the population of the rural parish living at the further extremity. Convenience would be all in favour of treating the suburb as part of the town, if the Bill enabled this to be done.

MR. W. E. FORSTER said, he had spent many hours in consultation with the draftsman on this very point, but he did not see what more could be done than the Bill already attempted. Hon. Members would not forget that the definition of parish, including what in England was understood by a township, would meet many of these cases, though in the more mountainous regions of Wales he admitted that the definition would not equally apply. No doubt, in suburbs of large towns there would be a certain hardship and inequality, but not as great as that already felt with regard to the poor rate. A man might eventually escape a heavy poor rate by having to pay a large education rate.

SIR CHARLES ADDERLEY said, he was of opinion that the unit of rating area might sometimes be too large, and it was essential in such a case that a special school area should be formed out of it. He did not think sufficient weight had been attached to the precedent afforded by the drainage districts.

MR. WHITWELL said, he came from a district which was situated very much like South Wales, and he hoped, therefore, that the right hon. Gentleman would maintain the clause as it stood. He felt sure it would be better to make children go some distance to a good school than to create a number of inferior schools. In Cumberland and Westmoreland there had been an increase in the number of small schools to the detriment of education.

MR. CANDLISH said, there were many cases in the North of England where parts of parishes were separated miles from each other. He thought the necessities of a detached portion of a parish would be more readily met by the Contributory Clauses than by the Amendment now proposed.

MR. J. G. TALBOT said, the right hon. Gentleman (Mr. W. E. Forster) had not answered the questions put by his right hon. Friend the Member for Shoreham (Mr. S. Cave). In cases where an outlying part of a parish happened to belong to a town, though geographically separated from it, and where proper schools had been established in that part of the parish, the managers desired to know—first, whether they would be obliged to contribute towards supplying the wants of the neighbouring town, for which they were in no way responsible; and, secondly, whether their school was to be under the control of the school Board of the neighbouring town?

Mr. W. E. FORSTER said, it was a principle of the Bill that voluntary schools should not come under the operation of the School Board Clauses. Moreover, no parish could be fastened on to a town without being afforded an opportunity of having its objections fully considered by the Education Department. With reference to what had been said by the right hon. Gentleman the Member for Shoreham (Mr. S. Cave) he begged to remind the right hon. Gentleman that there was a great difference between a drainage rate and an educational rate. A drainage rate was only sanctioned by Parliament upon a requisition being made to that effect by a resolution of the whole parish. In case of an education rate, however, it was not likely that they would get a resolution of the whole parish, because part of a parish might wish to escape its liability to meet the necessities of the other part of the parish, and it would be unlikely that this would be assented to by the other part of the parish. Although it had been the object of the Government to prevent the idea going abroad that pauperism was connected with the education question generally, yet they deemed it advisable to connect the education rate with the poor rate, because they hoped and believed that the poor rate would diminish in proportion as education was extended. He really thought there was a principle involved in the proposal of the Government.

Mr. CAWLEY said, this was not a mere question of rating, but of working the Boards for educational purposes; and as the Bill at present stood it would altogether fail to meet a number of cases. He might refer to the town of Heywood, in Lancashire, which contained about 200,000 inhabitants. It was situated at the junction of three parishes—one of which included a portion of the borough of Rochdale; the second parish passed on to the borough of Bury, and the third adjoined Middleton. Surely the school Board appointed to deal with the educational requirements of that town ought to be a unit.

Mr. W. E. FORSTER said, the Bill provided that where a parish was partly within and partly without a borough the part situate outside the borough might be treated as a separate parish.

Amendment *negatived.*

Mr. M'ARTHUR said, he rose to move an Amendment which, in his opinion, would tend to secure the independence both of the ratepayers and of the school Boards in small districts. He begged to move, in page 13, line 15, after "district," to insert—

"And the Education Department shall (except in the case of populous parishes containing not less than 7,000 inhabitants) cause a united school district to be formed by the grouping of parishes, such school district to contain in the aggregate not less than 7,000 inhabitants, and upon such union shall cause a school Board to be formed for such united school district."

Mr. W. E. FORSTER said, he objected to the clause on the ground that it would unduly fetter the discretion of the Education Department, which was sure to be desirous of making the districts as large as possible.

Amendment, by leave, *withdrawn.*

Sir GEORGE GREY said, he wished to ask whether any union of parishes could take place without notice being given and a local inquiry held?

Mr. W. E. FORSTER said, that the union of districts under the operation of the clause would not be carried into effect without due notice, or without the power of protest being conceded.

Clause, as amended, *agreed to.*

Clauses 34 to 39, inclusive, *agreed to.*

Clause 40 (Small parish).

Colonel DYOTT asked whether, in the case of a small parish where there were no children, it would be united with an adjoining parish for the purposes of a school district, and so would be rated for an object from which it would derive no benefit?

Mr. W. E. FORSTER said, that if a parish were in that blessed state of being without children—and he had now almost got to consider children as his natural enemies—that parish would be left alone.

Clause *agreed to.*

Clauses 41 to 44, inclusive, *agreed to.*

Clause 45 (School fund of school Board).

LORD ROBERT MONTAGU moved to define the grants by inserting the words "granted by the Education Department." The clause would then run thus—

"All moneys received as fees from scholars, or granted by the Education Department out of moneys provided by Parliament."

MR. W. E. FORSTER said, the grants were not made by the Education Department, but by Parliament. He promised to consider the words proposed.

LORD ROBERT MONTAGU reminded the Vice President that the money was not granted by Parliament to each school. A large sum was voted by Parliament, out of which grants were made to each school by the Education Department according to the discretion of the Minister.

Amendment, by leave, *withdrawn.*

SIR HENRY HOARE moved to report Progress. ["Oh, oh!"] He made the Motion after consulting the hon. Members around him. There were some very important Amendments to be moved in this clause, which involved the whole question of rating, and he asked whether it was reasonable to proceed with the discussion at that hour. ["Go on!"]

MR. W. E. FORSTER said, he would appeal to the hon. Member to withdraw the Motion. The discussion on the clause might not be finished, but at all events they could go on with it for half-an-hour.

Motion, by leave, *withdrawn.*

SIR MASSEY LOPES said, he would propose in page 16, line 24, to leave out "any deficiency shall be raised by the school Board as provided by this Act," and insert—

"Any further requisite amount, whether for satisfying past or future liabilities, shall be paid as provided by this Act by rating authority out of the local rate: Provided always, that the sum so paid for this object shall not exceed in any one year the amount of one penny in the pound on the rateable value of the area included in the school districts."

He said that while he concurred in the principle of the Bill, he did not agree with the mode or means by which the object was sought to be attained. On looking at the Bill, he found it was a Bill for the public elementary education of the people; the obvious inference would be that the public would pay for it. He contended that education was a national duty and responsibility, and therefore a national obligation. The requisite expenditure should be wholly defrayed from contributions levied from the community at large, all classes were equally interested. Every man should therefore pay according to his means, and every description of property should pay its fair quota. When the Bill was introduced it contained a clause (84) which professed to limit the rate, and the Vice President had said that it would not exceed 3*d*. in the pound, but the Committee had no guarantee for that assertion. In the Bill, as amended, they had no security for that. They were told it would not exceed 3*d*., but that was no security. He contended that the principle on which Government Grants were to be made should be incorporated in the Bill, so that the Committee might know whether the payment was to be for results or by capitation grant. They ought to have something stable and statutory, and not to depend on the whim and caprices of every successive Educational Department. The Revised Code was the master-key of their position; without it they were sailing without a mast, they were a ship without a rudder. No Bill was ever presented to Parliament so lax, so loose in its provisions—Parliament was never before asked to place such implicit faith, hope, and confidence in any Department of Government. The right hon. Gentleman asked the Committee to give him a blank cheque, which was treating hon. Members like the children whom they were seeking to educate; they were told to shut their eyes, open their mouths, and be thankful for anything the Educational Department would give them; and the powers in this Bill were monstrous. They were absolute, arbitrary, unparliamentary, and unconstitutional. Talk of local administration and local control, it was a delusion and a myth. Local Boards would be mere machines and instruments to find the sinews of war and carry out the instructions of the Educational Department. He used to think that the President of the Poor Law Board was the greatest autocrat in the House, and the only man who could make an Act of Parliament without the permission of the House of Commons, but the President of the Poor Law Board when first created, was only a bashaw with one tail, though other appendages had since been added, compared with the Great Mogul who would be created by this Bill, and who ought to be much more infallible than the Pope. The Vice President had said that the rate would not exceed 3*d.* in the pound; but he would be glad to have some proof that it would not exceed this amount. He would ask the right hon. Gentleman to consider what would be the effect of this Bill on a parish with 300 inhabitants, 50 children who would go to school, and a rateable value of £2,000. The cost of the school and the schoolmaster's house and the site would be £500, which he supposed might be borrowed for 30 years at 6 per cent. The expenses would be these—the annual payment of principal and interest, £30; 50 children at 30*s.* each, £75; repairs, furniture, books, apparatus, &c., £10; total, £115. The receipts would be—from Government 50 per cent. of the expenses of the children, £37 10*s.*; from 50 children, 2*d.* each for 40 weeks, £17; rate at 3*d.* in the pound on £2,000, £25; total, £79 10*s.*, which would leave a deficiency of £35 10*s.* Another rate of 4½*d.* in the pound must be levied in order to make up the deficiency. Take a larger parish with a rateable value of £4,000, a population of 600, and 100 children; the cost of a building could not be less than £750, the expenses would be as follows:—Annual payment on building account, £45; 100 children at 30*s.* each, £150; repairs, furniture, and apparatus, £20; making a total of £215. The receipts would be—the Government Grant, equal to half the cost of education, £75; the children's pence, £34; and a 3*d.* rate on £4,000, £50; making a total of £159. This left a deficiency of £56, or more than the amount of another 3*d.* rate. Thus in one case a rate of 7½*d.* was required, and in the other of 6*d.* He trusted the right hon. Gentleman would notice these figures, which were substantiated by his own (Sir Massey Lopes') experience, and he was connected with several schools, and had himself built two or three. He based his chief objection to the rating principle of this Bill on this fact—that it imposed a fresh impost, a novel rate exceptionally upon one description of property alone. He asked, was education for the benefit of the nation at large, or only for the advantage of one interest or class—one small section of the community? What had lately added so much impetus, and given such stimulus to the almost universal desire for the extension of education, made this want absolutely and imperatively necessary? They had handed over—not only entrusted— political power to the masses of the people, and had given them a preponderating influence in public affairs; they felt that their possession of that power would be a danger to the State unless they enabled them to use it beneficially for the common weal; if that power was abused, or not rightly directed, the stability, security of all property would be weakened, the prosperity and safety of all classes would be endangered; and as it was an axiom that the man who reaped a benefit should bear the burden, why was the burden in this instance to be borne by one description of property alone? Both sides of the House had great ground of complaint against the Government, who, last year, promised to bring in a Bill to deal with local taxation, and refused a Royal Commission because it wanted to deal with the question speedily, and who had appointed a Committee, the scope of whose inquiry was so restricted that it did not at all touch the vital principle. The Government did not appear to have been in earnest, or acting in good faith; they had added injury to injustice; when asked for bread, they had given a stone; when asked for a remission of taxation, they had imposed new taxation; when asked to loosen fetters, they had exercised ingenuity in riveting them more securely. How had local burdens of late years become so oppressive? By their pursuing precisely the same course as they were about to take now. It is not only by the augmentation of old charges, but by the imposition of new ones totally unconnected with the poor rate. If there was to be a compulsory rate, every description of property ought to contribute to it, and there ought to be no unjust exemptions and no impolitic privileges. Admitting the object to be good, he would cheerfully pay any amount of rate, provided it was spread fairly over the whole community, and each man paid according to his means. If religion were not ignored in this scheme of national education, he believed nothing would more tend to improve the morals of the poorer classes, and diminish pauperism as well as crime. The right hon. Gentleman said that one of his reasons for imposing the rate upon one description of property alone was that it would decrease pauperism. He would ask the right hon. Gentleman whether he was of opinion that pauperism would, by these means, be decreased in the same proportion as it had increased during the last three years—namely, by about £1,250,000. He sympathized with those who had hitherto been contending for religious equality under the operation of this Bill, and he called upon them to assist him in trying to get rating equality. His contention was that national education was a national responsibility, and that being a national responsibility, it ought to involve universal liability. In conclusion he moved his Amendment.

VISCOUNT MAHON said, what they wanted to know was the maximum of the educational rate that would be asked for. One ground on which they ought to know it was that building grants were to be abolished, and he hoped the right hon. Gentleman the Vice President of the Council would use his newly-acquired influence in the Cabinet to obtain some security in this respect. In the Bill, as originally printed, there was a clause which provided that an additional Parliamentary Grant should be given in certain cases where the rate did not come up to 10*s.* per child; but he failed to find any such provision in the Bill as reprinted. He represented a large agricultural county (Suffolk), in which there was a strong feeling on the subject of local taxation, which increased year by year, which, in 10 years, had increased by nearly £3,000,000, and which, between 1868-9, had increased by about £175,000. On these grounds, he should support the Amendment.

MR. LIDDELL said, local rates were greater burdens in towns than in counties, and he should vote for fixing a maximum on the broad principle involved in the remark of Mr. Cobden, that—

> "All Governments are profuse in their expenditure; I have faith in no Government on that point, and, if you want to make Government economical, you can always do it by stopping the supplies."

This was the principle he (Mr. Liddell) would apply to school Boards, for if they had unlimited power of levying rates, there would be no security for their economy. It was desirable either to fix a maximum or to separate this particular rate from other rates, and call it the education rate. Then the ratepayers would know what they paid for the purposes of the present Bill, and at the election of school Boards special attention would be paid to the rate and means taken to limit it. The limit proposed by his hon. Friend (Sir Massey Lopes) might probably be shown in subsequent discussions to be too low; but he should like to nail the Government to their proposition that the rate should not exceed 3*d.* in the pound.

MR. W. E. FORSTER said, that this important question would be raised afterwards on an Amendment of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), and he thought it had better be discussed then, and that the present clause should now be passed. He should, at the proper time, feel bound to show that it was not probable that any charge for the purposes of the Bill would exceed 3*d.* in the pound. With regard to the figures of the hon. Baronet (Sir Massey Lopes), he must, at the first blush, dispute most of the items; but he would look into the matter with the view of ascertaining whether or not it would be necessary to bring back into the Bill a maximum clause. But he would remind hon. Members that a rate lay at the very foundation of the measure, and if they did not get a rate, they could not have compulsory provisions in respect to schools, unless at the expense of the central funds of the State. He was aware that objections were taken to the incidence of rates; but that matter was being inquired into by a Committee, and he did not understand that it was desired on any side that the question of education should be postponed until a decision was come to on the subject of rating.

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

## NATIONAL DEBT.—RESOLUTION.

MR. LAMBERT: Sir, I shall commence the remarks I have to make on the Motion which I now bring forward, which of necessity must be rather long, though I will curtail them as much as possible, by assuming that it will be admitted that the financial position of this country is the most important and complicated which can well be considered by this House. Mr. Pitt repeatedly stated in the House of Commons, when speaking on the National Debt, that when the money was borrowed there was a clear understanding that it should be paid; and had he lived we should probably not be in the position we are now with regard to it. Upwards of half-a-century has passed away, yet the sense of the country on the subject has never been taken in a decided manner by any Government, and the Debt remains very much the same, as I hope to show. Mr. Justice Blackstone, in his *Commentaries*, says—

> "In a democracy where the right of making laws resides in the people at large, public virtue or goodness of intention is more likely to be found. Popular assemblies are frequently foolish in their contrivances and weak in their execution, but generally mean to do the thing that is right and just, and have always a decree of patriotism and public spirit."

In America, the most democratic of nations, as soon as their Debt was contracted, they set to work manfully to pay it off. As the suffrage has been extended we have been gradually becoming more democratic, and I have no doubt it will be shown that there is throughout the country an increasing desire to pay off our Debt. I dare say hon. Members below the Gangway are aware that the Land and Labour League has placed the payment of the National Debt upon its programme. The right hon. Gentleman the Chancellor of the Exchequer, when his Budget was before the House, said he regretted that the hon. Member for Sunderland (Mr. Candlish) had been unable to bring forward a Motion he had on the Paper, and to have taken the opinion of the House on it. As my Motion is very similar to that of the hon. Member, I trust the right hon. Gentleman will be glad of my having the opportunity of bringing it forward. I regret, however, that in doing so I shall have to question the accuracy of his figures of last year. We are all liable to errors, particularly when the figures run into millions; and it is quite possible that there may be error in the calculations I venture to bring before the House, notwithstanding the pains I have taken to avoid them. Hon. Members will probably recollect that I last Session brought forward a Motion very similar to that which I now bring before the House. The right hon. Gentleman the Chancellor of the Exchequer then said—

> "That in ten years, from March 31, 1858, to March 31, 1868, the National Debt has been reduced £37,819,000, being at the rate of £3,782,000 a year. Thus, though some of us may wish to go faster, it cannot be said that this great and important subject has been neglected. We have, in fact, been making progress in the right direction, and I only hope that that progress may be maintained. As far as I am concerned, I should be very glad if the House would consent to put on a 1*s.* income tax for the reduction of the debt; but I cannot say that I think they would allow me to do so, and I cannot hold out any hopes to the hon. Gentleman of such a result. But, by means of terminable annuities and sinking funds, we are making very fair progress in the way of reducing this great national burden."—[3 *Hansard*, cxcviii. 1213.]

Being satisfied that the right hon. Gentleman was acting on the principle of my Motion, I withdrew it, at the same time stating that I hoped he would go on a little faster with the reduction next year, as the rate of £3,782,000 per annum would hardly make any impression on the Debt. Small as this reduction appeared to be, I have since found, on going into the calculation, that the figures of the right hon. Gentleman were incorrect, and that he had considerably overstated the actual reduction, which, from 1858 to 1868, was £29,102,990, and not £37,819,000, as he stated. The total amount of the National Debt, including capital of terminable annuities and unfunded debt, was, in 1858, £826,134,640, and in 1868, £797,031,650. The right hon. Gentleman was thus in error to the amount of £8,716,010, which reduces the annual reduction of the Debt from the £3,782,000 to £2,910,299; but even this reduction, which embraces the 10 most favourable years, is far in excess of the rate we are now going at, as I will show by-and-by. The right hon. Gentleman, in his Budget speech this year, stated that—

> "There has been a reduction in the total amount of Debt of £38,000,000 on the thirteen years from 1857."

He is again in error; the actual reduction in that period has been only £30,316,400. The right hon. Gentleman appears to have overlooked the great increase in the terminable Debt during that period, and to have made the grave mistake of considering funded Debt when converted into terminable annuities as paid off or cancelled, whereas it is only a change in the character of the Debt, the obligation to pay remaining. In fact, converting funded Debt into terminable annuities is liquidating the amount by annual instalments, embracing a portion of the amount and interest. Every year the obligation becomes smaller; but until all the instalments are paid the Debt cannot be said to be cancelled, and the capitation value of these instalments, or terminable annuities, at the end of each year are part of the National Debt, as clearly shown in the statistical abstract issued to Parliament by command of Her Majesty. I must say I was much surprised to find that the right hon. Gentleman, with a surplus this year of £4,487,000, only proposed to reduce the Debt by converting £7,000,000 Savings Bank Stock into terminable annuities to end in 1885; this £7,000,000, extended over the 15 years, is a reduction of only £337,000 per annum. The right hon. Gentleman might as well leave it alone altogether, as propose this trifling reduction, which can have little effect in permanently reducing the Debt. Notwithstanding what he said last year, I have little hope of the right hon. Gentleman taking any decisive step to reduce the Debt unless pushed on to do so by a Resolution of this House. It appears to me, Sir, that the financial position of the country with regard to its Debt does not appear to be considered by hon. Members of such grand importance as it deserves; the Debt being £800,000,000, and interest £26,000,000, it requires the entire Revenue of the Customs and one-third of the Excise to pay it. I would ask hon. Members what would be our position were we to drift into an American or European war? We should commence it with this enormous Debt, which does not press so very heavily in a time of peace, but in war it would be very different. We have only to look to America; she commenced her four years' war with no Debt, and at the end of it had accumulated a Debt almost equal to ours in amount and larger in point of interest. But Americans have all their resources within themselves, and could shut up their ports and snap their fingers at the whole world, whilst we have to draw from other countries a large portion of the very necessaries of life, including the very bread we eat; and our vessels are scattered over every sea, and in every clime, either bringing those necessaries to our shores or taking our manufactures and products to pay for them. We should be thus in a worse position than any other nation, as stated by Mr. Reverdy Johnson, in one of his speeches; our vessels—now, in time of steamers—would be preyed on by privateers from every port, our commerce ruined, and our supplies stopped. Other nations could do without our manufactures, but we could not exist without their corn and other articles of food. It is impossible to over-estimate the importance of this. Now is the time, when we are at peace and prosperous, to put our house in order, by reducing our expenditure and gradually paying off our National Debt. When I look round this House, I feel sure that there are very few, if any, Members, if in debt to any extent, who would not do his best to get rid of that debt. If that be good policy for an individual it is good for a nation, for there is great analogy in the affairs of the two. What has America done since the termination of her war? She has been paying off her Debt at the rate of £20,000,000 a year, and continues to do so. And Belgium is rapidly reducing her Debt, which is now only three times the amount of her Revenue; let us do likewise. The question is, which is the best method to pay off the Debt? With regard to terminable annuities, the right hon. Gentleman says the public will not take them; they possibly look upon them in the same light as the great French political economist, M. Baptist Say, who considers them immoral. He says—

> "Elles sons de plus immorales, c'est le placement des égoïstes, elles flattent et favorisent la dissipation des capitaux en fournissant au prêteur un moyen demanger son fonds avec son revenu."

I do not approve of this mode of paying off the Debt. I prefer to reduce it by a special and direct tax, and that tax an income tax. An income tax of 1*d*. in the pound produces £1,500,000; 9*d*. would, therefore, produce £13,500,000. At an annual reduction of this sum, with compound interest at 3 per cent, the whole Debt of £800,000,000 would be paid off in a fraction under 35 years. At 6*d*. in the pound it would produce £9,000,000. At an annual reduction of this amount, with the 3 per cent compound interest, the whole Debt would be paid off in a fraction under 44 years. An income tax of 9*d*. in the pound would, therefore, pay off the Debt in 35 years; and a tax of 6*d.* in 44 years. But as the wealth of the country increases, so must the amount raised by the income tax increase. A penny, which in the years 1856-7, when the tax was 16*d.* in the pound, produced 1,000,000, is estimated in the year 1870-71 to produce £1,470,000. I think it may, therefore, safely be calculated that a tax of 9*d.* would pay off the Debt in 25 years, and one of 6*d.* in 30 years; and as Government would, at all events for some time, be able to buy their own securities of £100 in the market at about the present price of Consols—about 93—they would thus make a saving of, say 7 per cent, which would further operate in hastening the extinction of the Debt. What would be our position if a tax of 6*d.* was imposed to pay off the Debt? At the end of 30 years the £800,000,000 would be paid off, and the country at once relieved of taxation to the amount of upwards of £35,000,000; that is the interest of the National Debt, £26,700,000, and the special income tax of 6*d.*—a free breakfast table there would at once be to everybody. This is the mode I propose to pay off the Debt; but I am not wedded to it if any more desirable or feasible mode can be shown. I do not think that this tax of 6*d.*, or even 9*d.*, ought to be considered heavy by the community for so desirable an object. I have named the income tax because I consider it the most fair and just tax we have, and because it is compulsory. The reason that it is not extended to low incomes is that the lower classes pay more in proportion than the wealthy in indirect taxation, such as on tea, coffee, sugar, &c., &c. It has been said that precarious incomes should pay less than incomes derived from property. I entirely disagree in that. If the income is precarious, the tax is precarious too. If I may use the expression, if a man is badly off and has no income, he pays nothing; but it is different with indirect taxation, for he must, to exist in this country, consume a certain amount of taxed articles. I could say a good deal more in favour of this tax, but think it unnecessary to further encroach on the time of the House by doing so. With the permission of the House I will read a passage from Adam Smith, the best admitted authority on taxation. He says (page 414)—

> "The subjects of every State ought to contribute towards the support of the Government, as nearly as possible to their respective abilities, that is in proportion to the revenue which they respectively enjoy under the protection of the State."

He was, therefore, decidedly in favour of an Income Tax. Another recommendation I have to urge in favour of this tax is that it costs considerably less in collection than the Customs or Excise. I must again quote Adam Smith on this head (page 416)—

> "Every tax ought to be so contrived as to take out of the pockets of the people as little as possible over and above what it brings into the public treasury of the State."

I am sorry I cannot give the House the exact percentage cost of collecting the income tax, in consequence of the collection of the different branches of the Inland Revenue being so blended together that it is not possible to separate one item from another. There is no doubt, however, that the cost of collecting the income tax is less than that of the Excise or Customs. The expense of collecting the Customs in 1865 was £3 6*s.* per cent on the gross produce, and that of the Inland Revenue in 1869, £3 11*s.* 7*d.*. I must say that I was sorry to find that the right hon. Gentleman, after speaking in favour of the income tax last Session on a Motion of the hon. Member for Peterborough (Mr. Whalley), and quoting Adam Smith—as I have done—proposed to reduce it 1*d.* The right hon. Gentleman appears quite to have overlooked the fact that it is by the income tax, and the income tax alone, he has any hold on the thousands and tens of thousands of wealthy people who either live or travel abroad; you get nothing from them in indirect taxes, for, being absentees, they consume no taxable articles in this country. The right hon. Gentleman is letting this very wealthy and numerous class gradually slip through his fingers. I must say I was much surprised to hear the right hon. Gentleman make use of the following remarks in speaking of the respective merits of direct and indirect taxation—"Direct taxation—the income tax," he said, "has a dreadful disadvantage, for it is compulsory;" and his argument in favour of indirect taxation was "it is optional; and, with a little self-denial, a man may in this country absolutely exempt himself from the payment of indirect taxes." I cannot understand the extraordinary argument, particularly coming from a Chancellor of the Exchequer, that it is a recommendation to a tax that it may be paid or not at the convenience of an individual. I question, Sir, very much the policy, with such a Debt as we have, in making any reduction in taxation, save in cases where it is necessary to do so in order to make taxation bear as equally as possible on all classes. I should, therefore, instead of reducing the duty on sugar—£2,350,000—make a considerable reduction on malt, for this reason—There have been from time to time considerable reductions on wine, the luxury of the wealthy, the duty on champagne being now 11 per cent, on claret 12 per cent, on port 32 per cent, and on sherry 19 per cent; whilst the duty on beer, the luxury and the necessary of the working man, remains untouched—malt, from which it is made, being taxed at the rate of 70 per cent. This was very clearly shown early in the Session in a speech of the hon. Gentleman the Member for Yorkshire (Mr. Fielden). It has been said that the Income Tax should only be imposed in case of war. Now, Sir, I think it is in war that you should borrow and keep taxes as low as possible, when trade and commerce and the whole community are feeling and suffering from the effect of that war; and, to enable you to borrow with greater facility, pay off your debts in time of peace when you are prosperous. I shall now state to the House what we are, and what we have been, doing towards the reduction of the Debt. From 1858 to 1868 we reduced it £29,102,990, or at the rate of £2,910,299 per annum; from 1859 to 1869, £27,073,813, or at the rate of £2,707,381 per annum; and from 1860 to 1870, £17,672,747, or at the rate of £1,767,274 per annum. We have, therefore, during the last 10 years—that is, from March, 1860, to March, 1870—been reducing our debt at the rate of only £1,767,274 per year, whilst America has been reducing her Debt at the rate of £2,500,000 per month, and the entire Debt will be paid off in 1884. But if I go back to 1855—the estimated capital of terminable annuities not having been computed previous to that year—I find that, in the 15 years, from March in that year to March, 1870, the reduction was only £572,200—not the annual, but the total in the 15 years; therefore, the Debt, with this small reduction, is the same as it was 15 years since. The Crimean War probably increased the Debt between 1855 and 1858. Let us look now to the future. The present annual payment for terminable annuities to expire in 1885 is £3,494,904, from which some small reductions have to be made, which reduces it to £3,372,921. This sum represents a capital of £46,755,000, which will be finally extinguished when these annuities expire. Should there, therefore, between this and then be no other reduction, the Debt will be reduced this sum, or at the rate of about £3,000,000 during the 15 years. It has been remarked—Why should we pay off this Debt; let posterity do it? Let posterity do it! I should like to ask, who are our posterity? Our children and our children's children. The welfare of our children during our lives and after we are gone is, or ought to be, the first consideration of a parent; and I believe it to be the great struggle of life of most of us who have children to leave them in as satisfactory a position as possible when we are gone. If that be our object in our private affairs it ought also to be our object to endeavour to the best of our ability to see that the position of the country, financially and otherwise, should be in a sound and satisfactory state, which it can never be if overburdened with debt. Before I conclude I will read a passage from the Report of a Select Committee of this House, appointed in the year 1828, to inquire into the public income and expenditure—

> "A course of policy founded upon the avowed principle of raising loans for the exigencies of the State in time of war, and making no provision for diminishing the permanent charge of these loans in time of peace, must appear an abandonment of all consideration for the credit and safety of the country, in the eventual occurrence of future difficulties and dangers. If the accumulated debt of each period of extraordinary exertion is to be handed down undiminished, as a load upon those who are hereafter to meet the exigencies of other struggles and other difficulties, it is too obvious to require an argument that the time cannot be very far distant when—according to the ordinary vicissitudes of peace and war in the history of human affairs—the combined weight of the past and present burthens must become too great for the most prosperous people to support, and the fabric of public credit must crumble under the accumulated pressure."

Can language be stronger or more to the purpose than this? I think, Sir, I have clearly shown that, with the exception of this trifling sum of £571,200, there has been no reduction in the National Debt within the last 15 years; and I challenge anyone to disprove the correctness of my figures. It is a mere delusion of the country to imagine, as stated by the right hon. Gentleman, that "we are making fair progress in the way of reducing this great national burden;" and I beg to remind the Members of this House that this responsibility of the Debt remaining as it is rests with them, and to ask them to support my Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable that some decisive step should be taken substantially and gradually to reduce the National Debt."—(*Mr. Lambert.*)

Mr. POLLARD URQUHART said, he agreed with the hon. Gentleman (Mr. Lambert) that the financial condition of the country was one of the most important subjects which could occupy the attention of the House, and that it was the duty of the State, as well as of individuals, to make provision for posterity. Nevertheless, he was unable to accept the conclusions at which the hon. Member arrived. No doubt, it was the solemn duty of a private person to pay off his debts, and, indeed, it was his interest to do so, because in the language of the Scriptures—"the borrower is always servant of the lender;" but the National Debt was a different thing altogether. It was merely an obligation to pay to certain individuals at fixed times annuities which we could at any period redeem at 32 or 33 years' purchase. There was, in fact, no analogy between private and public debts. Instead of comparing the National Debt to the debt of a private individual, it might be much more fairly compared to a ground-rent. What, he would ask, was the real cause of our difficulty in competing in trade with foreign nations? It was the heavy burdens which were imposed on the people in the shape of indirect taxation. Could anybody deny that the Customs and Excise duties operated as a pressure upon domestic industry? An old country like ours had, it was quite clear, great difficulty in competing with foreign nations, especially when that country happened to be highly taxed. Was it not, therefore, desirable to use our surplus revenue in doing away with those tolls which so seriously hampered us, instead of buying annuities which did not return more than 3 per cent? What private person would think of laying out his money in the purchase of terminable annuities when he required it for the purpose of enlarging his business, or adapting it to the wants and requirements of the age, and by thus investing it might realize 20 or 30 per cent profit. We were far more a nation of shopkeepers now than we were when it was thrown out as a taunt by a foreign potentate, and more than that, we were exposed to a much more severe competition with foreign nations in trade and manufactures than we were then. We could not make ourselves a young nation, but we could at least remove those hindrances to commerce and industry which existed in the shape of heavy Customs and Excise duties. When in private life a person made provision for paying his debts, the resolution was generally carried out by the practice of economy, and he, for one, should certainly support the present Motion if he thought it would lead to economy in our expenditure, and enable the Chancellor of the Exchequer to reduce the Estimates by £2,000,000 a year. Everybody, however, knew that quite the contrary would be the case; and the Chancellor of the Exchequer would be unable further to repeal the sugar and similar duties; while, if the income tax was to be increased to the extent suggested, it would, in addition to the burden already imposed, be a great tax on capital, and tend to drive it from our shores. In the United States, he might add, a great amount of suffering was caused by the heavy Customs and Excise duties, which had almost annihilated the shipping and carrying trade of that country. It was also stated that, within the last year or two, there had been a greater flow of emigration from the United States to Canada than had ever before been the case, owing to the increased cost of living occasioned by the imposition of a tax on every article of luxury for the purpose of putting an end to the National Debt. But America was still a young country, and was not exposed to those disadvantages under which, according to Mr. Hume, an old country laboured. America might afford to make an experiment of that kind;

but it could not safely be attempted here. He would appeal to the experience of the Prime Minister, and ask whether our commerce was not on the point of leaving the country in 1841? Was not our trade declining? What were the means which were then taken by the right hon. Gentleman and Sir Robert Peel to restore prosperity to the country? An income tax was imposed; but it was not applied to the diminution of the National Debt, but to the reduction of the heavy Customs and Excise duties which had begun to render our position as a manufacturing nation very precarious. If that course had not been taken, probably the depression of trade would have continued. He, for one, had listened the other evening with great attention to the speech which had been made by the hon. Member for Manchester (Mr. Birley) not because he agreed with him, but because he thought much was to be learnt from what the hon. Gentleman said as to our industry being exposed to a severe trial in the markets of the world. He was, therefore, of opinion that any surplus Revenue which we might have would be far better employed in getting rid of the tolls and restrictions which now weighed upon that industry than in paying off the National Debt. Within the last 10 years, he might add, the great discoveries in gold had increased the price of all commodities except corn, and we might depend upon it that we should make a much greater sacrifice now in devoting our surplus income to buying up annuities in gold than we should have to do 20 or 30 years hence. It would be absurd, in his opinion, *propter vitam vivendi perdere causas*, and he, therefore, hoped the Government would not assent to the proposal of the hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Gentleman who has brought forward this Motion (Mr. Lambert), in a speech with a great deal of which I agree, has criticized the figures I used on a former occasion in this House. I am not now prepared with the documents from which they were taken, and therefore I will not enter into any argument on the subject now. They were no figures of my own, but were extracted from a Treasury Paper, and having been carefully verified at the Treasury, I believe them to be correct. I will read a passage from the speech referred to by the hon. Member. I then used these words—

> "If you take the year 1857—the year after the close of the Russian War—notwithstanding the debt incurred since that date for the expenditure of nearly £9,000,000 on the Expedition to Abyssinia, of £5,755,000 on Fortifications, and of £7,000,000 for the purchase of the Telegraphs

—and, as I am reminded, I might have added £7,000,000 on account of the Chinese War—

> there has been a reduction,in the total amount of Debt, of £38,000,000—in all, nearly £60,000,000 applied to Debt, beyond the ordinary Expenditure met out of Revenue in those 13 years."—[3 *Hansard*, cc. 1617.]

But I now want to call attention to the Motion of the right hon. Member. The hon. Gentleman asks us to take some "decisive step" for substantially and gradually reducing the National Debt. That is an ambiguous phrase. Probably the hon. Member and those who will vote with him know what they mean by a "decisive step;" but I confess that I do not. If we are to take his speech as an interpretation of his meaning, the Government are expected to impose an additional income tax of at least 6*d*. in the pound, devoting the proceeds to the payment of the National Debt, and, as I understand, devoting all the revenue which would otherwise be employed in paying the interest to the further reduction of the Debt. The fair way of arguing the question is to ask whether the House is prepared to pledge itself and the Government, so far as it can do so, to take a course of that kind. For myself, I am not prepared to dispute the propriety of reducing the Debt. But if there is an error in these discussions it is in stating what of itself is no doubt true and well-founded, but at the same time in ignoring the fact that there are other truths besides the ones specially advocated. Though eminent writers may declare that taxation is a science, to those who have practically to deal with it it is essentially a practical art, which must depend on a great many other things, such as the temper of the nation, the feeling of this House, the willingness and the ability of the people to bear financial burdens, and whether the people —who are the ultimate judges on this question, and to whose opinion it is not only the interest but the necessity of any Government to defer — whether they prefer that their money should be spent in paying off Debt, or in reducing burdens which press more immediately upon them. Now, on such a point I should be the advocate of moderation. I should put forward no extreme opinions. On the one hand, I should be sorry to see the whole of our surplus Revenue devoted to the payment of Debt; on the other hand, I should be sorry to see the whole of that surplus applied in the lightening of burdens, regardless of the Debt. In this, as in all things, safety and wisdom do not lie in an extreme course, but in the endeavour to pursue a course of fair and tolerant moderation, and of mediation between different interests and feelings, so that none may deem themselves neglected and none exclusively favoured. These are the views with which I approach the subject, and therefore I am not prepared to agree that in this time of peace, and of recent recovery from severe commercial depression, we should make a heavy increase in the burdens of the people for the purpose of paying off the Debt. Such an operation is not called for. I do not believe it would meet with favour in this House, and I confess that whatever impeachment may thereby be thrown upon my courage, I entirely shrink from making such an experiment. The Motion of the hon. Member contemplates a decisive step in the direction to which he points. Well, a decisive step would be paying off the Debt. While, however, we are not prepared to do that, we are taking drastic and important measures towards reducing it. During the period I have been in Office I have had a share in a number of measures all tending in that direction. The Motion, as it stands, seems to cast some reflection, though not a very strong reflection, upon the Government for inertness on this score. The best answer I can make is by reminding the House of a few of the measures which have been taken for the reduction of the Debt during the last few years. Since the 1st of April, 1869, we have paid off £1,000,000 of Exchequer Bonds, exclusive of £1,000,000 issued in anticipation of Revenue. We have paid off £160,000 of Exchequer Bills. With unclaimed dividends and payments in redemption of land tax we have cancelled stock to the amount of £111,000. By issuing life annuities and annuities for terms of years we have also cancelled £643,000 of stock. We have issued annuities involving a charge upon the public of £3,370,000 a year, representing a capital stock of no less than £46,755,000, which will come to an end in 1885, the annual instalment of principal in respect of it being £1,970,000. Then, in addition to this, we have created a surplus revenue which will be applied, according to the Act of Parliament, in the reduction of Debt. Hon. Gentlemen are aware that at the end of every quarter it is the duty of the Commissioners for the Reduction of the National Debt to add up the expenditure and income of the country, to subtract one from the other, and then take one-fourth of the surplus income over expenditure and apply it for the reduction of the Debt. In the September quarter of last year the amount so applied was £1,600,000; in the December quarter, £1,300,000; for the March quarter the amount was estimated at £1,100,000, making for the whole year about £4,000,000 applied towards the reduction of the Debt. So that altogether, since the 1st of April of last year, the whole amount was no less than £7,884,000. Undoubtedly, this leaves a good deal of Debt still remaining; but the reduction effected is quite as vigorous a one as it is reasonable to expect from a country where so large a revenue is raised and such heavy taxes are still imposed. In addition to the measures I have just mentioned, there are others—though as yet they are inchoate measures — having the same effect. Thus we have cancelled stock belonging to the Court of Chancery and the Court of Bankruptcy to the amount of £5,871,000; and this, added to the other amount, makes a reduction of the public stocks to the amount of £13,755,000. Then, by the operations consequent on my Financial Statement, we have made arrangements to pay off £7,000,000 more stock by terminable annuities for the Post Office Savings Banks stock, these annuities ending in 1885. On the other hand, we have increased the Debt for the purchase of the telegraphs by the amount of £7,300,000, and for fortifications by £200,000. I have not included in this statement the sum of £4,600,000, representing the liabilities incurred on account of the Abyssinian Expedition, which were met out of taxation. On the whole, however, the statement I have just made will show, I think, that the Government, while enabled to propose remissions in taxation which have been beneficial to the public, have also not altogether neglected their duty in reducing the Debt. The unfunded Debt was never known to be so low as it is at the present moment, and we have a good prospect of reducing it further. The hon. Gentleman argues as though the sole object of the Chancellor of the Exchequer were the reduction of Debt; and he takes no notice of the advantage derived by the community from the reduction of taxation. I will therefore just give an illustration to show what may be done by reducing the public burdens, and yet how little loss is incurred to the Revenue. I have been charged very seriously, by what it is the fashion in this House to call "one of the ordinary vehicles of information," with having ruined the country, or something like it, because the Revenue which terminated on June 30th fell short of the Revenue in the year ending June, 1869, by the sum of £260,000. This, it is said, shows gross mismanagement on my part, and shows that the finance of the country is breaking down. But if the House will consider the taxation existing on the 30th of June, 1869, and will contrast it with the taxation for the year ending the 30th of June, 1870, they will see it is not very surprising that the Revenue, during the latter year, should have been £260,000 short of the amount realized in the former year. Up to the 30th of June, 1869, or within a few days of it, there was still imposed a corn duty of £900,000. There was about one quarter of the sugar duty not in force in 1870—say £600,000; there was the duty on fire insurance, £600,000; and there was a penny of income tax, £1,500,000. These sums, added together, make £3,600,000. Deduct £1,000,000 for licences, and you have £2,600,000 of taxation in force for the year ending the 30th of June, 1869, over and above the taxes imposed for the year ending the 30th of June, 1870. Deducting £1,000,000 for the acceleration of the licence duties, there remain the taxes which were in force in the former year, and not in the latter, £2,600,000; and, this falling off being allowed for, the reduction in the Revenue has been exactly one-tenth of it, or £260,000. When you achieve results like that by reducing taxation, you should pause before you pass from the duty of remitting taxation, and turn your attention exclusively to the reduction of our Debt. Therefore, I cannot agree to the Motion of the hon. Gentleman, although I agree with him in attributing great importance to the keeping down of the National Debt. I think the House will hardly be prepared to agree to the Motion with the construction he has put upon the words "that some decisive step should be taken," and I would propose by way of Amendment, to which I hope the hon. Member will agree—"That, in the opinion of this House, it is desirable substantially and gradually to reduce the National Debt." We have no objection to agree to that, as it is exactly what we have been doing. I therefore beg to move the Amendment.

Amendment proposed, to leave out the words "that some decisive step should be taken."—(*Mr. Chancellor of the Exchequer.*)

MR. ALDERMAN W. LAWRENCE said, they were indebted to the hon. Member who had introduced the subject (Mr. Lambert) for having elicited a satisfactory and lucid statement from the Chancellor of the Exchequer. He felt convinced that there was at present a disposition to look the Debt in the face greater than ever had existed before, and the country, while indebted to the Government for the reductions already made, accepted them only as instalments of what was to follow. By many persons the National Debt was regarded as property the reduction of which implied loss; but these fallacies were being exploded, and taxpayers were beginning to see that it was all the same whether taxes were appropriated to the Army, to the Navy, or to the interest of the Debt. But he did not agree with the hon. Gentleman who brought forward the Motion, that the people would be willing to pay increased taxes in order to secure the removal of the National Debt. He did not think that it would be either reasonable or proper to reduce the National Debt by increasing taxation, or to adopt the scheme by which the hon. Member had proposed to clear it off in 45 years. He considered a sinking fund a fallacy; he did not admire terminable annuities; he preferred paying off the Debt by annual instalments, in a straightforward manner, and would be glad when such an instalment became a recognized item in each Budget. The reduction of the Debt would improve the value of all securities and of land; it was not necessary to continue the

Debt as a security for peace; and it was equally idle to think of maintaining the Debt because it afforded an easy and secure investment to persons who did not know what else to do with their savings. He had heard the speech of the right hon. Gentleman (the Chancellor of the Exchequer) with the utmost pleasure, and he hoped that he would be able to carry out the expectations he had expressed.

Mr. MACFIE said, he was authorized by the hon. Gentleman who had introduced the Motion (Mr. Lambert) to say that he accepted the Amendment suggested by the Chancellor of the Exchequer, which he had pleasure in seconding. He believed that the proceedings on that subject would be a satisfaction to our countrymen at home, and would show those in the Colonies that there was life in the mother country yet.

Sir JOHN LUBBOCK said, he agreed with the conclusions of the hon. Member for the City of London (Mr. Alderman W. Lawrence), but could not endorse all the arguments by which he arrived at them, for it would hardly be an advantage to set about reducing the Debt in such a way as to raise the prices of stock in the market. He had listened with surprise to the speech of the hon. Member for Westmeath (Mr. Pollard-Urquhart), who was mistaken in supposing that the falling off in American commerce was to be attributed to the paying off of the Debt; it was rather to be attributed to the mistaken adherence to the principles of Protection. The hon. Member (Mr. Pollard Urquhart) was also mistaken in his suppositions that to reduce the National Debt was, in fact, buying up annuities at 3 per cent, for although the interest paid to the stockholder was only 3 per cent, the cost to the country was considerable more. Those who questioned the expediency of making an effort to reduce the Debt, often did so on the ground that individuals could obtain a higher rate for their investments. It must be remembered, however, that the money invested in landed property was actually paying its proprietors a less rate of interest than we were paying on the Debt. Although he was not opposed to terminable annuities in principle, and when held by the public, he must say that the whole plan of reducing the Debt by such annuities, in the manner proposed by the Chancellor of the Exchequer, was only an elaborate scheme for throwing dust in the eyes of the nation. The course an individual would follow was to pay off a portion of his debt every year, and that was the system a nation should also pursue, and the moral effect that ought to be obtained was not effected by reducing the Debt by terminable annuities. At the present period of the Session a Motion for the reduction of the National Debt was rather late in the day, and, therefore, he would not enter into an elaborate argument on the subject; but when the question was brought forward next Session, as it infallibly would be, he hoped it would be treated in a serious manner, and that they would feel that they were not doing their duty to themselves or their children unless they made a serious effort in time of prosperity and peace to reduce the National Debt of this country.

Mr. ILLINGWORTH said, he desired to express a word of protest against the view entertained in certain portions of the House. There was a wide distinction between the National Debt and that of a private individual. The only obligation the country was under to the fundholder was to meet the annual interest of the Debt. It was, therefore, only a question of expediency whether they should proceed to discharge the capital of the Debt or let it remain as it was. If the land of the country were to take on itself the obligation of paying off the National Debt, he should see no objection to that proceeding; but as long as a very large portion of the Revenue was raised from the industrial classes, it would be unjust, inexpedient, and impolitic to reduce the Debt in the way proposed through the ordinary means of Revenue. As long as they maintained peace and reduced taxation, they raised the humbler classes in the social scale and improved their condition; but when they applied the surplus Revenue to other purposes they curtailed the enterprize of the country and diminished the comforts of those classes. He believed that the landowners were really the most interested in reducing the taxation of the country and transferring the annual burdens to realized property. Landed property was limited in extent, and could not be increased, and of late years the value of land, and, consequently, the rental, had much increased. This was owing to the reforms in the fiscal system, and he believed that they should not succeed in having a fiscal system which might be considered perfect until they removed the annual burdens from the industrial classes to landed property.

MR. LIDDELL said, he thought that when the hon. Member (Mr. Illingworth) stated that the whole burdens of the country should rest on land he was bound to show that the land was responsible for those burdens, and history would hardly enable him to do so. The edict of the French Emperor prohibiting the entry of British goods into France was one of the great causes of war, and he asked the hon. Gentleman whether it was the land or the commercial interests that led to that edict.

MR. ILLINGWORTH explained, that he had not said whether or not the land was originally responsible for the debt.

MR. LIDDELL said, he thought such an imputation would be unfair, and he was glad it was not intended.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Main Question, as amended, put, and *agreed to.*

*Resolved,* That, in the opinion of this House, it is desirable substantially and gradually to reduce the National Debt.

## SHIPS "BOMBAY" AND "ONEIDA."

### RESOLUTION.

MR. HANBURY-TRACY: I am anxious to call the attention of the House to the Correspondence which has taken place in reference to the collision between the *Bombay* and *Oneida,* which resulted in the terrible catastrophe of the foundering of the *Oneida,* a United States man-of-war, with a loss of 112 men. It is well known, Sir, that on the other side of the Atlantic, this calamity has excited very strong feelings of indignation and resentment, and that the charge of inhumanity has been brought against the captain of the *Bombay,* in no measured term, for having, it was supposed, left the doomed ship to her fate; and it is, Sir, because I believe further inquiry and discussion will prove that it was not the fault of Captain Eyre, and, in fact, that he only did his duty, and that a great slur has been cast on our Mercantile Marine, that I have thought it incumbent upon me to bring it forward, though I sincerely wish some one more competent than I am should have taken up this matter. It will be in the remembrance of the House the horror with which, in this country, we first heard last April that the British mail steamer *Bombay* had run into the United States corvette *Oneida,* and that a fearful loss of life had ensued. This feeling was intensified when we were informed that great blame was attributed to the *Bombay* for not having stayed by the other ship, and for not having made some attempt to save life. The next mail brought the result of the naval Court of Inquiry, which had been held at the request of Captain Eyre, he having been most desirous from the very first that the fullest investigation should be made, believing himself perfectly innocent. I am sure, Sir, that no one can approach the question without feeling the deepest and profoundest sympathy with the American people for this sad and lamentable accident; and for myself I can most truly say I sincerely trust that whatever may be the result of the discussion which I expect will ensue on this Motion, I most cordially hope that the expression of that regret and condolence which has been felt by every man in this country, and which animates the hearts of us all, may be some mitigation, however slight, to the sufferings of those who are now mourning the loss of their friends and relatives, taken from them in a far-off land. I am well aware that a very strong prejudice exists not only in America, but also in this country, against Captain Eyre, the popular impression being, that after causing a collision and being aware of the danger, he brutally proceeded on his course. Sir, the reverse was the case. It is our natural impulse to attach blame, whether rightly or wrongly, to the survivor in a collision of this description, and I am bound to confess that the first impression on taking a superficial view of the case on the first glance at the evidence, is prejudicial to Captain Eyre; but, if the House will kindly bear with me for a few minutes, I think I shall be able to prove incontestably that a great injustice has been done, that a brand and stigma has been placed not only on Captain Eyre, but on our whole Merchant Navy, totally without foundation. The naval Court of Inquiry at Yokohama had two issues before them. Firstly, they had to decide whether the collision was due to the fault of the *Bombay;* and, secondly, they had to determine what had been the conduct of Captain Eyre after the collision. On the first point they came to the unanimous conclusion, that no blame whatever could be attributed to the *Bombay*; and I do not intend to touch upon this part of the question, as, although I am well aware that in America the fault is still placed on the *Bombay*, yet I am convinced that no Court could come to any other conclusion than that the *Bombay* followed the rule of the road, and that the *Oneida* did exactly the contrary. On this question I will not therefore say another word, as this point is practically settled, and is no longer in dispute. On the second issue—namely, as to Captain Eyre's conduct after the collision—the Court, after very long and anxious deliberation, after taking three whole days to consider their verdict, decided that Captain Eyre had acted hastily and ill-advisedly in not waiting and endeavouring to render assistance to the *Oneida;* but they placed on record that they recognized in the fullest sense that Captain Eyre had been placed in a position of great difficulty and doubt, and that he had been called upon to decide promptly. The sentence they pronounced was that Captain Eyre's certificate should be suspended for six months—a judgment which, to my mind, was either far too small, if Captain Eyre was guilty, or else was indefensible. If the Captain of the *Bombay* was aware when he proceeded on his voyage that the *Oneida* was in great danger, and that his own vessel was not seriously injured, I do not think that any punishment or disgrace, however severe, would be too great for him. To have wantonly sacrificed the lives of 112 human beings, would have been the perpetration of an act so gross, so brutal as to have been utterly indefensible. It would have been a disgrace to the age we live in, and one which could not have been too much reprobated. If the evidence proved this in the slightest degree, or if there was the smallest ground of suspicion that Captain Eyre saw signals of distress or knew the damage sustained by the *Oneida,* I should be the very last person to have brought this forward. Sir, the facts of the case, as shown by the evidence are simply these—The engines of the *Bombay* were stopped about two minutes before the collision; but, notwithstanding this, and that every precaution was acknowledged by the Court to have been taken by the *Bombay*, the ship collided, or rather grazed, on the starboard quarter of the *Oneida.* The shock was very slight—the evidence proves that it was so little felt that two ladies who were playing at a game of Bezique actually continued their game. The night was starlight, but very dark, and the only damage to the *Oneida* which could be discovered at the instant they were locked together, was that a portion of the upper works had been knocked away. In a very few seconds the two vessels cleared, and the *Oneida* was last seen standing away under all plain sail and under steam, as if nothing had happened; the screw was distinctly seen revolving under the stern; no hail for assistance was heard or reported; no blue lights or rockets were seen. I think, Sir, that the fact of no blue lights or rockets having been shown is a point of very great importance. The House must bear in mind that two minutes is ample time in every man-of-war to show signals of distress, and in every well-found merchant vessel the period is generally considered to be from five to seven minutes; and, therefore, Captain Eyre, not being aware at that time of any reason to prevent these usual signals being made, came to the natural and irresistible conclusion that the other ship did not wish to communicate. The Americans themselves acknowledge that no blue lights or rockets were fired, and that no signals were made, with the exception of three guns—which their evidence proved were fired to leeward, about 20 minutes after the collision, and not until their vessel was in the act of sinking, and therefore with the muzzle of the gun close to the water. Now, Sir, the Court of Inquiry satisfied themselves that the report of these guns was not heard by the *Bombay*, and it is quite clear from the evidence that the fact of their being fired to leeward is sufficient to account for the flashes not having been seen. On board the *Bombay* the chief officer reported to the Captain that his own ship was making a great deal of water, and during the time he was sent to find out the extent of the damage, which could not have been less than 10 minutes, the ship remained stationary. Great stress has been laid on the evidence given by the engine-room log to prove that the engines were only stopped five minutes; but it must be remembered that the second engineer allowed that he never looked at the clock before inserting the time in his log book, and stated in his examination that he was not certain if it ought not to have been 10 minutes. The duties performed by the chief officer during the interval seems to me perfectly conclusive on this point. Captain Eyre states this very well in his letter to the Board of Trade, when he states—

> "With regard to the time of waiting, I would remark that it is impossible to conceive that the following operations could have been performed in a less time than 10 or 12 minutes, taking the most moderate calculation, and during the whole of which time the engines were stopped—namely, I ordered my chief officer, Mr. Loggin, to go forward to see what damage had been done. He had to go from the bridge to the forecastle, a distance of 130 feet, to examine the ship's bows. It was dark, and he had to feel his way and examine them with the aid of a lantern. He came back and reported—'Not much damage done; only the bobstay gone.' This would take at least four or five minutes. I then ordered him back to sound the wells to ascertain if the vessel was making water. He had first to find the carpenter, who was on the forecastle. The carpenter had to go into his cabin to get the sounding rod. Having obtained that, the chief officer had to go to the lower deck and sound the wells. The sounding would take more than a minute. In doing this, water was heard rushing into the store-room adjoining. The store-room was locked; the key of it had to be obtained from the steward or storekeeper. Having obtained this, the chief officer had to go down into the store-room, and having found a good deal of water in the compartment —namely, seven feet deep—he came back and reported the same to me. I then had the conversation with the pilot. These operations could not have taken a less time than six or seven minutes, and, therefore, adding this to the previous time of four or five minutes, makes the whole 11 or 12 minutes; and if this matter is properly considered, it is impossible to imagine that a less time than this could have been consumed in performing these operations, and probably more.'

I do not know what further or stronger evidence on this point is necessary. It fully corroborates the statement of all the other witnesses that the *Bombay* remained at least 10 minutes near the scene of the catastrophe, and shows that the engineer had made a mistake in the excitement of the moment. Well, Sir, what was the position of Captain Eyre? He was informed that the ship was making a considerable amount of water, and that there was actually no less than seven feet of water in one compartment. No signals of distress during 10 minutes had been made by the *Oneida.* She had been last seen proceeding on her course as if nothing was the matter, and the only apparent damage was to her upper works on the starboard quarter. He knew that his own vessel was about 18 years old, and that therefore the compartments could not be trusted, and he came to the conclusion that his own vessel was the most injured, and that therefore he ought to lose no further time; but, in justice to his passengers, proceed on his course. To put the matter in a very homely light, I would instance two carriages, A and B, coming into collision on a dark night. If the owner of carriage A knew that it was the fault of B's coachman, and were to see carriage B driving away, what would the conclusion of A be? Why, surely that his carriage was the most damaged, and that B wanted to get away. Well, Sir, it seems to me that this illustration is an exactly parallel case. I cannot help feeling most strongly that as there were no signals of distress seen, it was the duty of Captain Eyre to proceed. It must not be forgotten that after the ship proceeded on her course, if any signals had been made they would have been seen for at least 20 minutes. Captain Eyre leaving the care of his own vessel to the pilot, stationed himself on the bridge, and kept his glasses fixed on the spot where the *Oneida* was last seen. I am quite certain that 99 out of every 100 officers would have followed the same course that he did, and to prove this perhaps the House will allow me to quote from a letter which I received from a most distinguished officer in reply to a letter from me, asking his opinion as to the conduct of Captain Eyre. This letter, Sir, I attach the greatest importance to; it is written by an officer who has just returned home from having had command of the China Station, who is beloved in the Navy as being a thorough sailor, and whose opinion in this House will, I well know, carry the greatest weight. I allude to Admiral Sir Henry Keppel. He states in his letter—

> "My dear Tracy,—There has never been any question as to the collision between the *Oneida* and *Bombay* being entirely the fault of the former. With regard to the subsequent conduct of the captain of the *Bombay*, I can assure you that I have carefully gone into the evidence. I have,

moreover, examined the track chart at the Peninsular and Oriental Company's office in the City, as well as personally questioned Captain Eyre, and I am decidedly of opinion that his conduct afterwards, under the peculiar and difficult circumstances in which he was placed, was free from blame. The evidence as to the duties performed by the chief officer is conclusive in my mind that the engines must have been stopped fully 10 minutes, more than ample time for any ship, especially a man-of-war, to make signal by rockets or blue lights, should she wish to communicate.

"Captain Eyre assured me that after he had acceded to the pilot's request to proceed, he himself took up a position on the bridge, and facing aft never, with his glasses in his hand, took his eyes off the spot where the vessel he had been in contact with would have been had she not proceeded, as he last saw her, under sail and steam; and I am satisfied that no better look-out could have been kept than that he performed himself, while the pilot looked out for his ship, which he naturally believed had received the greater injury, her having sprung a leak being reported.

"The shock, too, of the collision was so little felt on board that I know a lady who thought so little of it that she continued her game of bezique with which she was occupied at the time. I think that had I been in Captain Eyre's position, with mails and passengers on board, I should have acted as he did.

"Further inquiry will, I trust, prove that Captain Eyre has been already hardly dealt with.—Believe me, very truly yours,

"HENRY KEPPEL.

"United Service Club,
Pall Mall, S.W., June 27."

Can anything be stronger than this? I believe, Sir, that there is no man living so competent to give an opinion on a professional question of this nature as Sir Henry Keppel. Not content with this testimony alone, I have also written to officers of very high standing in both the Navy and Mercantile Marine, and from one and all I have received the same answer. There is one other letter I should like to quote from, as it is from an officer at Portsmouth who is placed in constant communication with officers of all ranks from his position as Commander of the *Excellent*, and is known as a first-rate sailor, and is, therefore, able to give the generally expressed professional opinion. Commander Maxwell states—

"Many thanks for the papers relating to the *Bombay* and *Oneida*. I feel, after reading them, that Captain Eyre was not to blame, and am sure I should have done precisely as he did. I should not have considered it necessary to wait at all after seeing the other ship proceed on her course. I should have taken it for granted that, proceeding under a full head of steam, and all sail with the wind free, without making any sign, she had received no serious damage. It always seemed to me that the sentence of the Court was nonsensical; either Captain Eyre was guilty of the most criminal and flagrant neglect, in which case the punishment was totally inadequate, or he was perfectly innocent, and ought not to be blamed at all."

I will not weary the House with further letters on this subject, as these two are, I apprehend, sufficiently conclusive. Well, Sir, under these circumstances, Captain Eyre, knowing that he was not to blame, and being convinced of that by the opinion of every professional man he asked, determined on arriving in England to appeal to the Board of Trade to exercise its prerogative of mercy, and to return his certificate. Captain Eyre felt that his antecedents were strongly in his favour; that during the 34 years he had been at sea he had always been looked upon as a most careful, prudent, and humane officer; that he had never before met with any kind of disaster; and therefore felt he deserved fair play at the hands of the Board of Trade. Considering the importance of the subject, it was natural to suppose the Board of Trade would have been only too glad of this opportunity of instituting further inquiry, not only in justice to Captain Eyre, but also to America. I find, Sir, that the jurisdiction of the Board of Trade, under 25 & 26 *Vict.*, c. 73, sec. 23, is very clearly laid down in a letter from them to the Foreign Office of May 6, where they state that the Board of Trade have full power under this Act to review the sentence of a naval Court of Inquiry and to mitigate such sentence if they so think fit; but that they have no power to increase the punishment awarded by such Court. The clause under which this jurisdiction is given is clearly a power of mercy, but nothing whatever further. It will, perhaps, be convenient if I remind the House that before the year 1862 the Board of Trade delivered judgment on the evidence taken by naval Courts, but the dissatisfaction caused by this procedure of one Court receiving evidence and another pronouncing judgment was so great, and the injustice so palpable, that this judicial power was distinctly taken away from them by Parliament, and conferred on the Courts of Inquiry, and the Board of Trade was simply allowed to retain its prerogative of mercy. It was rather a curious thing that one permanent official of the Board of Trade gave very strong evidence on this point in favour of the jurisdiction being taken away from the

Board of Trade. Before the Committee which sat in 1860, Mr. Farrar said—

> "I do not think it is a satisfactory thing for persons to pronounce a sentence who have only the written evidence before them, and who do not examine witnesses. . . . Very much depends upon the demeanour of the witnesses and various circumstances of the case, which it is very difficult to decide upon written evidence."

The Board of Trade have also full power to institute criminal proceedings against a master or crew, but being penal the evidence must of course be distinct and conclusive. What course did the Board of Trade follow with this jurisdiction? Did they re-open the Inquiry, that further investigation might be held, with the view of seeing on what grounds Captain Eyre asked for a mitigation of his sentence? Did they call him before them, and give him any opportunity of substantiating his claim for mercy? or did they take criminal proceedings against him? No, Sir; they did not do one of these things. They replied to his application that, after reviewing the evidence taken at the Court they were of opinion that he had been guilty of a gross breach of the 33rd section of the Merchant Shipping Act, that they considered the sentence of the Court of Inquiry far too lenient for the gravity of the offence, and that he had been guilty not only of an offence created by statute, but that he had been guilty of acting contrary to the dictates of humanity. If anything ever was an increase of punishment, certainly it was this. I maintain it was a reprimand of the severest character; a judgment a hundred times greater than that delivered by the Court of Inquiry. It is a stigma cast on a man's private and professional character of the deepest dye, and one which I apprehend no properly constituted tribunal would think of inflicting without the clearest possible evidence. It must not be forgotten, as I have already stated, that the Board of Trade have undoubted power and right to bring a criminal action against a captain, and therefore, if in their opinion Captain Eyre was guilty of inhumanity, and of an offence created by statute, surely they ought to have indicted him for manslaughter, in having, through his neglect, caused the loss of 112 persons. But, Sir, the Board of Trade made a curious statement in their letter to the Foreign Office. They allow that such a charge being penal must be supported by distinct and conclusive evidence, but acknowledge that they have no such evidence in the present case. They deliberately accuse a man in one public document of virtually being guilty of manslaughter, and in another letter to a separate Department they aver they have not sufficient evidence to prove the charge. I ask the House—Is this fair, is it right, is it just? I am told by gentlemen of very high standing at the Common Law Bar that they consider it so strong a case that, in their opinion, Captain Eyre would succeed if he were to bring an action of libel against the Government. But, Sir, Captain Eyre is a poor man, and we all know the frightful cost which such an action against all the power of a Government would entail. My hon. Friend the Secretary to the Board of Trade, to whom I went directly I discovered what had been done, informed me with his usual courtesy, the reasons which he considered justified the letter. I understood him to say that, in the first place, he did not consider it to be an additional punishment, it being only an answer to Captain Eyre's own request that the evidence should be reviewed. Now, Sir, it is often very useful to refer to the expressed opinion of gentlemen who write letters, fully to understand their intention. I therefore looked back again to the evidence given by Mr. Farrar in 1860, and I find he stated that—

> "I believe that the publication of the sentence that a captain has been in default is a greater punishment to him than the deprivation of his certificate;"

which proves conclusively that the officials themselves were well aware that a reprimand of the strong character they were inflicting was a great increase of punishment, even if they had not alluded to the charge of inhumanity. But, as practical men, I think we can easily prove whether the letter of the Board of Trade was or was not an increase of punishment. I would ask any hon. Gentleman in the House whether, with such a stigma cast upon a captain by a public Department, published officially to the world, if he would not have grave doubt if he would be justified in employing that captain again in command of a passenger ship? There can, I apprehend, be little doubt that it would prevent his obtaining further employment, unless some contradiction was given to it; and what greater punishment can you have than professional ruin? My hon. Friend told me that he was very careful before coming to a decision to ask the opinion of five professional officers. I think he told me that he called in two Assessors of the Court of Admiralty and three others. But, Sir, this does not alter my case, as even if it had not been a secret Court of an entirely *ex parte* nature, it would not have justified the letter written by the Board of Trade. Sir, if I understand the matter rightly, I believe that these five officers were never formed into a Court at all, and did not even consult together, and certainly did not give Captain Eyre a hearing; and, therefore the opinion so given in a hurried manner could not have been worth much. I will not take up the time of the House any longer; I think I have shown from the evidence, from the letters I have read, and especially from the one from Sir Henry Keppel, that Captain Eyre was harshly dealt with by the Court of Inquiry in the first place, and that at any rate there were ample grounds to warrant the Board of Trade re-opening the Inquiry. To have refused such further investigation, and to have confirmed the sentence of the Court below might possibly be justified; but to have declined to do so, and at the same time to brand Captain Eyre with inhumanity and the crime of manslaughter, I apprehend the House will agree far exceeded the jurisdiction of the Board of Trade, and, certainly was not acting according to all recognized dictates of justice. I hope, Sir, I have stated this case moderately and fairly, and I trust that my hon. Friend will not for one moment consider it an attack upon him, as such I assure him it is not. I have far too high an opinion of his abilities to believe that he would have allowed the letter of the 5th of May to have been written if he had not been overworked and obliged to trust entirely to the permanent officials of the office. Everyone in the House must concur with me in regretting the absence of the right hon. Gentleman the President of the Board of Trade, as, if he had been able to attend to his duties, it is impossible this miscarriage of justice could have occurred. I am told, Sir, by some, that it has been found necessary to sacrifice Captain Eyre in order to appease popular feeling in America; but I cannot believe that we have sunk so low, that we have degenerated to so frighful an extent, and I believe such an idea to be as unjust to America as to England. There always has been a bond of union of sympathy and of feeling existing between the two nations. I most sincerely trust that it may long continue; but depend upon it, Sir, the only true way of preventing dangerous international questions arising in matters of this nature, is not only to allow, but to enforce the fullest and the most impartial investigation and inquiry. I appeal to the right hon. Gentleman at the head of the Government, and I appeal to the House for the honour of England's Mercantile Marine, not to allow the matter to stand where it is. If it can be shown that Captain Eyre has been guilty of inhumanity, by all means indict him for manslaughter; but if he is innocent, I maintain that the charge of inhumanity ought to be withdrawn.

Motion made, and Question proposed,

"That, in the opinion of this House, there is nothing in the evidence taken by the Naval Court of Inquiry, or in the Correspondence which has been laid before Parliament, to justify the severe reprimand administered by the Board of Trade to Captain Eyre, and that further inquiry into his conduct ought to be made."—(*Mr. Hanbury-Tracy.*)

Mr. SHAW LEFEVRE said, the House, he was sure, would readily believe him when he said that since he had been at the Board of Trade no case had caused him so much pain and anxiety as that now before them, and he must disclaim the excuse that had been made for him by his hon. Friend (Mr. Hanbury-Tracy), that he had not given personal attention to the matter but had left it to others. He could assure him that he had given the utmost attention to all the circumstances connected with it, and was prepared to take the whole responsibility that was attached to his office in respect to it. The magnitude of the disaster under which 112 men were drowned, the serious question involved with regard to the conduct of Captain Eyre, and the attempts which had been made by the Press of another country to raise an international question out of it, had contributed to give to it a painful importance; but he could assure the House that no pains had been spared to arrive, as far as Captain Eyre was concerned, at a just and right conclusion; that their desire had been to treat the question exactly as if the disaster had occurred to a British vessel instead of to one belonging to a foreign but friendly Power. Nothing would have pleased him better than to be able to come to the conclusion that Captain Eyre was not to blame, that his conduct after the collision was right, that they could have returned him his certificate free from any stain. If they could have done that, they would have acted upon that opinion regardless of what might have been thought elsewhere. Unfortunately, however, it was not so; but he would show the House conclusively that they had come to the decision upon just and proper grounds, and after the most careful consideration. He would not go at length into the facts of the case; they were, unfortunately, too well known. Two vessels came into collision on a dark night some 12 miles from the port of Yokohama. The one, an iron vessel, struck the other at its most dangerous quarter, abaft the mizen chains, at an angle of 45 degrees. Both vessels were steaming at a speed of eight knots. The *Bombay*, after standing by for some five minutes, proceeded on her way. The *Oneida* had her quarter carried away, and her steering apparatus rendered useless, and she sank in less than 15 minutes, carrying with her 112 officers and men, who were unable to escape in her boats. The question which the Court at Yokohama had to determine, and which the Board of Trade had to revise, was whether Captain Eyre, under the circumstances, was justified in proceeding on his course, or whether he should not have stood by or followed the *Oneida*, with a view of rendering such assistance as lay in his power. Now, as a general rule, he need hardly point out to the House, there was no law imposing a penalty upon a person who refrained from performing an act of humanity—who did not do his best to render assistance to save the lives of others. He was not aware that the law of any country would punish the Priest or the Levite who passed by the wounded and dying man. The single exception to this rule was contained in the Merchant Shipping Act of 1862, which declared that if after collision between two vessels the captain of the one did not stand by to render assistance to the other, provided there was no danger to his own vessel, he should be deemed guilty of a wrongful act, and should be liable to suspension of his certificate. The clause was inserted in 1862 by Lord Kingsdown, in consequence of the numerous cases in which, in his experience of the Privy Council cases, vessels after collision had proceeded on their course without attempting to render assistance, in order to avoid the legal consequences of the collision. The present, he believed, was the first case of importance which had occurred since the enactment of that provision, but it showed at once the wisdom and policy of it, and it was the more important as a precedent. Now, on the arrival of the *Bombay* at Yokohama a naval Court of Inquiry was asked for at the instance of Captain Eyre himself. The Court consisted of the British Consul, two naval officers, and two merchant captains. Captain Eyre was represented by counsel, and the survivors of the *Oneida* were represented by the United States' Minister in Japan. Everything was done to elicit the truth, and all the possible witnesses in the case were examined. The two questions which the Court had to determine were—first, to what cause was due the collision; and secondly, whether Captain Eyre's conduct after the collision was justifiable. On the first point they held that the collision was not due to the negligence of Captain Eyre, and as the professional officers whose opinion the Board of Trade have taken were of the same view he should say no more about it. On the second point the Court came to an unanimous conclusion, on the following points—namely, first, that after the accident Captain Eyre was under no immediate apprehension of danger to his own vessel, his passengers, or mails; second, that, although he was unaware of the extent of the injury done to the *Oneida*, yet from the questions he put to the pilot he evidently thought that she might have sustained serious damage; third, that he waited, at the most, five minutes after the collision to see if signals of distress were made; fourth, that after proceeding on his course he gave no orders to keep a proper look-out for any signals from the *Oneida*. Upon these findings, after making allowance for the difficulties of his position, the Court held that Captain Eyre acted hastily and ill-advisedly in that, instead of waiting and endeavouring to render assistance to the

*Oneida*, he, without having reason to believe that his own vessel was in danger, proceeded on his voyage. They held this to be a breach of the statute already alluded to, and condemned him to a suspension of his certificate for six months. In due course these proceedings were forwarded to the Board of Trade, and Captain Eyre and the directors of the Peninsular and Oriental Company appealed against this decision, and asked for a return of his certificate. In his appeal Captain Eyre entered into an explation of his conduct, but he did not allege in any way that any further evidence was forthcoming, or that the inquiry was not properly conducted; he did not ask for another formal inquiry. In accordance with the usual practice, of which he must be well acquainted, he simply asked the Board of Trade to review the decision of the Court of Yokohama and to return his certificate. Upon this the Board of Trade pursued the course which they have always done in these cases. They had no means or power to hold a fresh inquiry of a formal character—in the very numerous cases of appeal which had been before them no case had occurred in which they had directed or attempted a fresh inquiry, although possibly if fresh facts were brought to their notice, or if the first inquiry were proved to be informal or unsatisfactory, they would take steps to rectify it; but the invariable practice had been to refer the evidence taken before the Court below to their professional officers. In the present case they referred the evidence to Admiral Bedford and Captain Walker, the most experienced officers attached to the Board of Trade, and he might add that, not content with this, they took further professional advice outside their Department, and consulted two gentlemen connected with the Admiralty. All these authorities came to the same conclusion as to the conduct of Captain Eyre, and it was after the most careful consideration of them by Mr. James and himself that the official determination was come to and the letter written of which Captain Eyre complained. As the question raised as to the conduct was mainly a professional one, to be decided with reference to the customs of the merchant service and to considerations of a nautical character, he should not be out of Order in reading the opinion given by the officers he had alluded to. Admiral Bedford and Captain Walker reported as follows:—

> "As to Captain Eyre's conduct after the collision, nothing that has been advanced could, in our opinion, justify it. It contrasts most unfavourably with the conduct of the master of the *Mary* when in collision with the *Normandy*, so far as any cause for apprehension as to the result to the former was concerned. Looking to the actual condition of the *Bombay* after the collision, to the fact that her speed in making her anchorage could have been little less than what it was before the catastrophe, the indifference to the possible fate of the *Oneida* is most inexcusable. Had the *Bombay* been in a critical position she had the same remedy which she left to the *Oneida*—namely, to ground on the Spit; but Captain Eyre never reflected that if a vessel that gave the other her bow and stern could be injured, how much more must that vessel have been damaged when she received the blow abaft the mizen chains and at such an angle of incidence! Again, did he reflect upon the probable injury done by the blow to the steering apparatus of the *Oneida*, which might incapacitate her, as the fact was, to take advantage of the proximity of the Spit? That something was revealed, as the ill-fated vessel passed astern, sufficiently to awaken very serious surmises to those who saw it is manifest, and though it is quite possible that Captain Eyre may not have seen it, it speaks badly for those who did that they should allow the vessel to proceed without telling the captain what they thought they saw. The fact is, what the fate of the *Oneida* was could be nothing more than a surmise, and the duty of every ship legally and morally is to endeavour to ascertain the extent of the damage and to render such assistance as may be in their power."

Among other opinions which the Board took was that of Mr. Lushington, formerly Deputy Judge Advocate General, and now Secretary of the Admiralty, whose experience in such cases rendered his opinion exceedingly valuable. That opinion was as follows:—

> "As to the conduct of Captain Eyre after the collision, I have no hesitation in saying that he was guilty of a flagrant breach of his statutory duty. It is proved that his own vessel received no dangerous injury. and that he did not think she was in any danger. It is proved, also, that he had good reasons for supposing, and that he did suppose, that the *Oneida* had received severe injury, and was possibly in danger of sinking. Yet he stops only five minutes, and then steams ahead for Yokohama, leaving the *Oneida* to her fate, whatever it might be. Doubtless he never contemplated such a terrible disaster as actually occurred; doubtless, also, he had never been placed in a similar situation before; but giving due weight to these circumstances, I am clearly of opinion that he committed a breach of the statute, that he omitted a duty plain both by legal obligations and the simple dictates of humanity, and that his conduct was inconsiderate to a disgraceful degree. For such misconduct his sentence was a very light one—in my opinion, far too light."

Captain Richards, the Hydrographer to the Admiralty, expressed a similar opinion in almost the same words. After considering these and other opinions which they took, the Board of Trade came to the conclusion which was communicated to Captain Eyre — namely, that, after making every allowance for the difficulty of the position in which he was placed, he was guilty of a gross breach of the statute, and that, far from being able to reverse the decision of the Court, they were of opinion that the sentence was too lenient. The hon. Member behind him (Mr. Hanbury-Tracy) had complained that they had affixed to Captain Eyre the stigma of inhumanity. The words used were these—

> "The statute simply embodies the dictates of humanity, and in disobeying it you have been guilty not only of an offence created by the statute, but of a disregard of the natural duties which circumstances of danger, such as those of the *Oneida*, impose on those who have been the unwilling cause of the danger."

He apprehended that there would be very few who read the case who would not think that the words were no stronger than were deserved. The hon. Member had endeavoured to show that the Board of Trade were not justified in using stronger language than the Court below, or in stating their opinion that the sentence was too lenient. The difference between the Board of Trade and the Court below was not as to the facts which they found, but as to the inference to be drawn from them; and he apprehended that it was fully competent for the Board of Trade, in revising the evidence at the instance of the appellant, to state their opinion upon the whole case in declining to return an officer his certificate. It was not for the officer, after having invoked the interference of the Board of Trade, to turn round and say they had no right to express an opinion upon his conduct, or upon the sentence which they were asked to reverse. The Board of Trade had the power of reversing the decision, and of restoring the officer's certificate, and they were asked by the officers of the Peninsular and Oriental Company to review the evidence. He took it to be clear beyond doubt that it was their duty to express their opinions in answer to the appeal. They had constantly been in the habit of doing so, and never had it been questioned before. In this case, after reviewing the evidence, although they agreed with the Court of Yokohama in the general facts which they found, they were not of opinion that the sentence was strong enough; they thought that it was not in the interest of the merchant service that it should be generally thought that captains might act—if indeed they ever could act—as Captain Eyre did under similar circumstances, and be liable to no more than a suspension of their certificates. The hon. Member had urged everything that could be said for Captain Eyre, but he had passed over everything that told against him. To him it appeared to be clear, beyond all doubt, that Captain Eyre knew that the *Oneida* was in very considerable danger. His question to the pilot as to where she could be run ashore showed that. It was also reported by Lieutenant Clements that on his going on board the *Bombay* immediately on her arrival at Yokohama Captain Eyre informed him that he had cut off the quarter of a Yankee frigate, adding "Serve her right; she crossed our bows with a starboard helm." Could the captain of the *Bombay* suppose that he had cut off the quarter of a Yankee frigate and yet not know that she was in considerable danger? Another point made by the hon. Member was, that the *Bombay* must have remained where she was after the collision for 10 minutes or a quarter of an hour. Now, the Court below expressly found that she remained barely five minutes, for the best evidence on this point was that of the engineer who was watching the machinery, and who took down on a slate at the time the period at which the engines were stopped and when again they were set in motion; this record gave an interval of only four minutes. It was clear, again, from the evidence given by the survivors of the *Oneida*, that in consequence of the confusion on board, and the difficulty of finding gunners, the guns were not fired till five minutes after the collision. It is impossible to suppose that while the *Bombay* was remaining stationary those on board her should not have heard the report of these guns; but it might easily be different when the vessel was again under steam and attention no longer directed to the *Oneida*. Everything, therefore, pointed to the same conclusion, that the *Bombay* remained stationary only five minutes.

The only other point suggested on behalf of Captain Eyre was anticipated danger to his own vessel; but this was negatived by all the evidence. If his danger were great, it would have been better to have remained where he was, close by the Saratoga Spit, where the *Bombay* could have been safely run ashore, than to run 12 miles to Yokohama; and, just in proportion as there was fear for the *Bombay*, there was far greater fear and alarm for the *Oneida*, which received on her quarter the blow. But, in point of fact, the *Bombay* was not in danger. It was a vessel built in five compartments, only one of which had been injured. Accordingly it appeared that there was really nothing to be said as against the view which had been taken by the Court of Yokohama, or by the Board of Trade. The conduct of Captain Eyre was not justifiable, and it would not be in the interest of the merchant service to come to any other conclusion. It was with pain he was compelled to rake up all these matters against him. He would far rather have been in a position to defend him; but not the less did he believe the view arrived at by the Board of Trade to be a sound one. No doubt there was much to be said on the other side. The greatness of the calamity and the fearful loss of life could not have been contemplated or expected by Captain Eyre or anyone on board, and others were responsible in a great measure for that loss of life. It was clear, for instance, that had the *Oneida* had her proper complement of boats, which it seemed her captain had demanded previous to sailing, all her crew might have been saved. The *Oneida* was, at the time of collision, under command of a very young and inexperienced officer, and there was great confusion on board after the collision occurred; her engines were not stopped, and her sails not taken in. But all these considerations did not affect the question whether Captain Eyre was justified in his conduct or not. The officers and men of the *Oneida* met their death like brave and honourable men, and the best justice they could do them was to treat Captain Eyre as they should have done had the calamity occurred to our own countrymen; and he could safely say that he had heard but one universal expression of the deepest pain and regret at the loss of so many men, and of distress that a British vessel should have been the unwitting cause of it, and that its captain should have failed, under the circumstances, to render what assistance was in his power. As regarded the Motion before the House, he ventured to think that the facts adduced would not support it. Further inquiry was unnecessary, and was really impossible, inasmuch as all the witnesses were in Japan or elsewhere. The case must, therefore, rest upon the Report of the Board of Trade, and the professional opinions which he had quoted.

Mr. GOLDNEY said, the whole controversy had arisen out of the Board of Trade taking upon itself certain duties which Parliament had distinctly declared it ought not to undertake. Under the old Shipping Act of 1854, the course adopted in such cases as the one under debate was for evidence to be taken by the Marine Courts at the place where the accident occurred, and when taken to be sent to the Board of Trade, in order that that office should come to a decision upon it. This plan was, however, found to work so badly that in the year 1862 an Act was passed depriving the Board of Trade of this function, and declaring that it was not in any shape or way to give any decision as to the misconduct of the master or the mate. That was done because it was thought to be exceedingly wrong for a private tribunal to take into consideration the conduct of an officer and arrive at a conclusion which might injure his character and prospects for life. He himself knew little of shipping, and nothing whatever of Captain Eyre; but he had most carefully read the evidence in this case, and more especially the evidence of the survivors of the crew of the *Oneida*, and he was of opinion that that evidence showed that previous to the collision the *Bombay* had had all her lights right, and that she ported her helm. On board the *Oneida*, meanwhile, the command was left to a young man of 23, utterly inexperienced, who, on seeing that a collision was imminent, sent for the principal navigating officer; he only came on deck for a few minutes, returned a hasty answer, and went below again to dinner. The orders on board the *Oneida* were first to "starboard," then to "port," and then to "starboard" the helm again; and the evidence of the officer himself showed that it was exceedingly difficult to understand the real nature of the orders which were given. The most important point, however, was that the *Bombay* stopped her engines, and endeavoured to avoid a collision, while the *Oneida*, on the other hand, never stopped her engines, but went on immediately under full sail and steam for a distance of at least two miles, and for a period of 16 or 17 minutes. All the evidence, in short, went to prove that it would have been impossible for Captain Eyre to have done anything more than he did. He stated most distinctly that he remained stationary, according to his own impression for about 10 or 15 minutes, and that he saw no blue lights or rockets, and heard no guns. On the other hand, the *Oneida* men admitted that no blue lights were shown by them, and no guns run out at the time. They declared that after the vessel had proceeded on her course some distance three or four guns were fired. It ought to be remembered that in that case, the sails of the *Oneida* being up, Captain Eyre would be prevented from seeing the flash of the guns. Moreover, the evidence of the American officers showed that all their attention was directed to setting sail and running on shore as fast as they could. The officer Yates, of the *Oneida*, stated in his evidence that after the collision occurred the captain asked him whether the ship was safe, and he said "Yes," to which the captain replied, "All right! Set the foretopsail, and run me ashore as soon as possible." Now, Captain Eyre did stop his engines. It was said that he ought to have waited longer on the spot where the collision took place; but all nautical men, he (Mr. Goldney) believed, were prepared to admit that to turn his vessel round and follow the *Oneida* would have occupied so long that he could have rendered little, if any, effectual assistance when he did arrive, and had he lowered his boats it would have been impossible for him to have seen anything. Captain Eyre seemed to have acted with the greatest humanity; he consulted with the pilot and with others on board, and he remained the whole time upon the bridge to see if he could render any assistance, but it was a matter of impossibility to do so. The Court found that he could not have avoided the collision; but they added that they regretted to have to record that he acted hastily and unadvisedly by proceeding on his voyage instead of waiting to render assistance; and that this constituted, in their opinion, a breach of the 33rd section of the Merchant Shipping Act. The Board of Trade endorsed this, by saying that there was a gross breach of the 33rd section. This section said that in every case of collision it would be the duty of the person in charge of each ship to render to the other such assistance as might be practicable. He (Mr. Goldney) contended that it was not practicable that in this case assistance could have been rendered. To do so, it would have been necessary for the captain of the *Bombay* to have put his ship round, which would have taken 10 or 12 minutes; and he could not have lowered his boats, because no light was shown; and there was nothing to show that the other ship was in distress. Captain Eyre applied to the Board of Trade for the return of his certificate, and he (Mr. Goldney) thought that as there was no appeal to the Board of Trade, they had taken extra-judicial power to themselves, and had unfairly censured Captain Eyre, and that without giving him an opportunity to show why his certificate should not be suspended; and his only remedy was to bring his case before Parliament.

SIR JAMES ELPHINSTONE said, he did not understand the Secretary to the Board of Trade when he talked of this collision having taken place in midships. [Mr. SHAW LEFEVRE: I said mid-chains.] That was just as inexplicable. He would tell the House how it took place. The American sloop-of-war was one of those river-built boats that were brought into the American Navy at the time of the rebellion, and converted into men-of-war by putting hammock nettings round her and putting guns on board, and she was then sent to perform police duties in the seas of Japan. For the purpose of returning to America she left Yokohama, and the only reason why she was not condemned in Japan was that it suited the Government to send her home. She was proceeding down the Channel under the charge of a midshipman, the captain being sick and the officers at dinner. The night was dark, there was a strong breeze, and she was running before the wind, and going as fast as her engines would propel her. A light was seen ahead of her, and the midshipman instead of putting his helm a-port put it a-starboard. He (Sir James Elphinstone) believed the Board of Trade rule to be—

> "When you see a light ahead,
> Port your helm, and go to bed."

The contrary being done, the *Oneida* crossed the bows of the *Bombay*, which was a well-found, well-officered, and well-commanded ship. The *Bombay* was proceeding up the harbour at eight knots, with sails furled, and against a strong wind and tide, with every officer and man at his station, whilst the other ship was sweeping down under steam and sail. Captain Eyre did all that was possible to avoid a collision, and he caught the ship not amidships, nor in mid-chains, but at the most remote angle that he could catch her, in consequence of backing his engines, porting as long as possible, and then putting the helm hard a-starboard, and in this way the shock was mitigated as much as possible. She was caught upon the quarter gallery, a structure which was outside the ship, and which might easily be carried away without any material damage being done. There was evidence that the collision did not produce any shock; the ships immediately separated, and the *Oneida* vanished into positive darkness under the influence of her sails and the strong tide. Now, what was Captain Eyre to do? His ship was nearly 300 feet long, he was in a narrow channel, and it would have taken 15 minutes to get the ship round. And what was he to go after when he got round? There was no indication that the other ship was hurt, though he had smashed away some of her outside hamper. If the ship had belonged to any other country—if she had not been a Yankee man-of-war—they would not have heard a word about it. Captain Eyre did what he should have done. He stopped his ship to see what damage she had received, and sent the chief mate forward, and he found water rushing into her fore compartment. She was an iron ship; and he (Sir James Elphinstone) had known iron ships break in half as soon as one compartment was filled. If he had been in the same position he should have done as Captain Eyre did. A man in command of such a ship, with mails and passengers on board, when he found nine feet of water in the fore compartment, would have been a fool, or worse, if he had gone back after anything. If he had lowered his boats, he would perhaps have divested himself of the means of saving his own crew and passengers. He (Sir James Elphinstone) believed Captain Eyre to be a judicious officer, and the conduct of the Board of Trade in censuring him was a matter that would rise up in judgment against them, for they had arrogated to themselves functions for which they had no warrant. The speech of the hon. Gentleman who represented the Board of Trade was to him utterly ridiculous in a professional point of view, for he could not possibly understand the operations he had described. If the hon. Gentleman (Mr. Hanbury-Tracy) would divide the House on this question, he, as one of the few merchant captains who had seats in Parliament, would support him. He must say that in his opinion Captain Eyre's conduct on the occasion in question was that of a judicious seaman, and no doubt also that of a man who would have risked his own life to save the crew of the *Oneida* if it had been possible to save them.

Mr. T. E. SMITH said, the experience of the hon. Baronet (Sir James Elphinstone) had been earned in wooden ships; but, as an owner and builder of iron ships, he would remind the hon. Baronet that iron ships were very different to wooden ships in a collision. They were built in water-tight compartments, and, if tolerably strong, they were quite as seaworthy for all practical purposes after one compartment had been smashed in as they were before. It was by no means extraordinary that there should be eight feet of water in the fore compartment, considering that that compartment occupied not more than one-tenth of the length of the vessel, and that she would probably draw 15 or 16 feet; and it was putting the case in a wrong position to say that the ship was in danger of sinking. There was not the slightest doubt about the circumstances of the collision; and the Court of Inquiry, which was fairly and impartially constituted, had decided, distinctly and clearly, that the captain of the *Bombay* was not in the least to blame. Therefore, those gentlemen who tried to vindicate the character of Captain Eyre by raising a question with regard to these circumstances, so far from being his good friends, were very much more his enemies. But there was also no doubt about the decision of the Court that Captain Eyre did not remain long upon the scene of the collision. They could all understand that a man, under circumstances of great excitement and suspense, might think he had remained for 8, 10, or 15 minutes; but the engineer, who was not aware of what had occurred, and was thus a calm and impartial witness, stated that the engines were stopped for about four minutes. That had not been disputed. The only remaining point raised was that the Board of Trade ought to have reversed the sentence of the Court. As a merchant shipowner he begged most earnestly to protest against the idea that the Board of Trade, except under very special and extraordinary circumstances, should reverse a decision arrived at by scientific, impartial, and competent men. Such a course would establish a dangerous precedent. He had a great regard for his hon. Friend the Secretary to the Board of Trade, and for the permanent officials; but, as a general rule, shipowners would rather have their property and servants subject to the judgment of such a Court as he had described than to any permanent officials of the Board of Trade. It was not surprising that the Board of Trade should have expressed an opinion upon Captain Eyre's conduct; and Captain Eyre had nobody but himself to thank for it. He said to Cæsar he would go, and to Cæsar he went. He appealed to the Board of Trade, and it would have been most unwise and improper for that Board to have passed over the whole subject without expressing some opinion upon what had occurred. He hoped, therefore, that the House would not take any steps that would in any way tend to reverse the decision of the Court that Captain Eyre was perfectly clear of any blame as regarded the collision, but was to blame because he did not remain upon the scene of the accident a longer time.

MR. GRAVES said, he should not have addressed the House had it not been for a remark which had been made by his hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone). The hon. Baronet had stated that, had it not been for the nationality of the *Oneida*, nothing would have been heard of the matter. He (Mr. Graves) could not forget that the nation referred to had special claims upon us, for, beginning with the Irish famine and ending with the Cotton famine of Lancashire, they had come forward whenever a calamity befell this country, and in the most chivalrous and generous manner endeavoured to help us in our distress. If from no other motive than gratitude, there was abundant reason for giving this question the fullest consideration; and it should be the endeavour of hon. Members to remove rather than add to any acerbity of feeling which might exist between the two nations; they ought to endeavour, by the tone of their remarks, to remove any impression that, in endeavouring to screen an officer, they were sacrificing feelings of justice. He knew enough of the Americans, from considerable experience, to say on their behalf that they would not accept any sympathy at the expense of justice. He was satisfied that, when they knew the real state of the case, and when they felt that they had the sympathy of that House, as representing the country, in their terrible calamity—for this was a great calamity—they would be induced to view the matter through the medium of the facts rather than of sentiment. What were these facts? The Court at Yokohama was unanimously agreed that the collision was caused by the fault of the *Oneida's* officers. There was no attempt to throw blame upon Captain Eyre for the collision itself, but there was an attempt—which he considered a fair one—to throw blame upon Captain Eyre for his conduct subsequent to the collision. For that conduct alone he had been deprived of his certificate as a master for six months. He had considered the case, and was willing to admit to the fullest extent that there were extenuating circumstances in favour of Captain Eyre of such a character that it was almost difficult to say who had done wrong. He remained on the spot for five minutes, and saw the vessel sail away without blue lights, rockets, or a single indication that she was in danger. He had on board many passengers, and it was reported to him on the bridge, within five minutes, that there were seven feet of water in the fore compartment. These were the extenuating circumstances in his favour as against the inhumanity with which he had been charged by the Board of Trade. But he (Mr. Graves) did contend that Captain Eyre might have remained longer, and that he ought to have remained longer, until he had assured himself that there was no danger whatever to life. He now came, however, to the real question before the House—the conduct of the Board of Trade. That Board had statutory power to modify and mitigate the sentence of a Court, but it had no right to add one tittle to the sentence. Captain Eyre appealed to the Board of Trade to exercise its mercy, and that appeal was met not simply by a refusal, but in a manner which agravated the original finding of the Court. The whole professional career of a man like Captain Eyre depended on his character for humanity. Who would employ him when he was branded with inhumanity by one of the Departments of the State? It was unfortunate that the Board of Trade did not confine itself to the exercise of its statutory powers, instead of adding tenfold to the sentence by stating that Captain Eyre was guilty of gross inhumanity.

Mr. SHAW LEFEVRE said, the words gross inhumanity were not used. The expression employed was that Captain Eyre had disregarded those natural duties which circumstances of danger such as those which attended the *Oneida* called for.

Mr. GRAVES said, he did not wish to make his argument stronger by adding one word to it. His desire was to smoothe over the question rather than to embitter it. He held that the Board of Trade had unfortunately—perhaps inadvertently—allowed itself to make use of an expression which was of infinitely graver moment to the future of Captain Eyre than the mere sentence of six months' suspension.

Mr. GLADSTONE: Sir, I am sorry I do not feel able to allow this debate to close without noticing the remarks which fell from the hon. and gallant Member for Portsmouth (Sir James Elphinstone). I mostly deeply regret that he has detracted so much from the weight due to his professional skill and experience by the heated tone and the strength and vehemence of language he has brought to the discussion of a question which ought to be treated in a strictly judicial manner. One expression, in particular, which fell from him, I confess I heard with astonishment. The hon. and gallant Baronet said that "if this had not been a Yankee man-of-war we never should have heard a word about it." Even the use of the mere term "Yankee," though it is but a slight touch of colour added to the description, serves to show the temper in which he approaches this question. Let me look to the substance of that declaration: it is this—that the gentlemen who constituted the Court at Yokohama were actuated in a judicial investigation not by an intention to perform a judicial duty, but by a mean subserviency to the fear of America, and that it was upon that fear, and not upon the evidence, that their sentence was grounded. That is the plain meaning of the hon. and gallant Member's words.

Sir JAMES ELPHINSTONE intimated his dissent from this.

Mr. GLADSTONE: Will the hon. and gallant Baronet explain what he meant?

Sir JAMES ELPHINSTONE: Well, I meant an American man-of-war. The Secretary to the Board of Trade used the word "Yankee," and meant no more than I did. I have the greatest respect for the Americans. I have many friends among them, and I look upon them as our right-hand men. The *Oneida* was a weak ship, and went down like a bit of brown paper.

Mr. GLADSTONE: The hon. and gallant Member has entirely passed by my point. The use of the words "Yankee man-of-war" is comparatively a slight matter. What I said was, that the statement of the hon. and gallant Member for Portsmouth amounted to fact—although, perhaps, his warmth may have led him to say more than he intended—to a distinct charge against the Court at Yokohama that their decision was not founded upon the evidence, but was influenced by the fact that they were dealing with the case of an American man-of-war. That is the meaning of the words of the hon. and gallant Baronet, and I shall only be too glad to hear that they do not express his feelings upon the subject. I must own that I am very sorry that any reference has been made to the United States in the course of the debate—even in the temperate spirit of the hon. Member behind me (Mr. Hanbury-Tracy)—except in the terms used by the hon. Member for Liverpool (Mr. Graves). I apprehend that the United States have a right to expect at our hands sympathy for the disaster which as a nation we unwittingly were the meant of inflicting upon them. I am quite sure that if we were to suppose our relative positions changed, and that 112 persons had been lost in an English vessel in consequence of a collision with an American vessel, we should feel that a debate of this kind ought to be conducted in a tone of great tenderness towards us. Beyond such an expression of sympathy, the only object for introducing the name of the United States in treating on this question should be to lead us to feel that inasmuch as this is not an ordinary case of loss of life, but one where persons of different nations are concerned, we should adhere most strictly to a judicial impartiality in reference to it. And that is all I will say in referring to the painful share which the United States had in this transaction. I greatly lament that this subject has been brought before the House, and I doubt whether the raising of such a discussion is beneficial to Captain Eyre. I feel deeply for Captain Eyre, because I feel this is one of those cases in which even the administration of justice involves hardship upon individuals. Errors such as those that have been charged against Captain Eyre are the errors of a moment. What has he been charged with? Why, that in the doubt and confusion which a collision in the dark entails he committed a momentary error; and yet the imperious necessity of the public interests of mankind and of navigating nations require that even these momentary errors should be visited with severity, and the law of this country proceeds upon the principle that the mere fact of omission to render assistance in the case of danger is a matter requiring an investigation by the public authorities. By the 33rd section of the Merchant Shipping Act of this country—but not so by the law of any other country—such neglect is constituted into a statutable offence, and an infringement of the law in that respect is directed to be investigated by a Court from which an appeal lies to the Board of Trade. Under these circumstances it appears to me that, inasmuch as it is quite plain that Captain Eyre is a man of character, ability, and experience, it would have been much wiser on the part of his Friends to have trusted to the gentle and gradual action of public opinion and to his own manliness in showing that he had felt the consequences of the responsibility of his momentary error, and that he was determined to re-establish his honest fame by showing that he was ready to learn the lessons of adversity rather than to bring the matter under discussion in this House; because it is almost inevitable that in a discussion of this kind allegations on the one hand should be met by counter-allegations tending to aggravate the case. It is hardly possible to discuss the matter in a calm and judicial spirit; and the very fact that new topics are introduced which may seem to enhance the culpability of the captain, will have their effect on the public mind and be more injurious to Captain Eyre than any benefit which he may derive from the able statements made in his defence. There are only two points in relation to the case that I wish to notice. The first is, as to the special censure which has been thrown upon the Board of Trade; and the second is, as to the general policy of bringing matters of this sort before the House. I admit that the hon. Member has confined his Motion to those parts of the judgment of the Board of Trade which tended, in his opinion, to enhance the sentence of the Court of Yokohama. But, in bringing that Motion forward, the hon. Member took a much broader ground; and, in point of fact, the whole of his speech, and of the speech of the hon. and gallant Baronet opposite, has been a complaint on the part of Captain Eyre not only against the declarations of the Board of Trade, but also against the original sentence of the Court of Yokohama. With regard to the declarations of the Board of Trade, I must call on the House to remember that that Board exercises an appellate jurisdiction rather by the general commission entrusted to it by Parliament than under any judicial law. What was the point referred to the Board of Trade? The hon. Member for Liverpool (Mr. Graves) says that a Court of Appeal cannot legally enhance the sentence. That is perfectly true; but I am not at all aware of any established rule of judicial procedure which prevents a Court of Appeal, in confirming the sentence, from reviewing the evidence upon which that sentence is founded, and even from expressing an opinion that that evidence not only sustains such sentence, but does more than sustain it, and would have justified its being carried further. But what is the course adopted by Captain

Eyre in this matter? Does he request the Board of Trade simply to re-consider the sentence? Quite the contrary: he requests them to review the evidence as well as the decision. The Board of Trade, therefore, considered the decision and sustained it; and they reviewed the evidence; and they stated that in their opinion it would have justified the Court in going even further than it had done. And the hon. Member will please to recollect that in delivering this judgment the Board of Trade did not act merely as a Department of the Executive Government. It was their duty to consult their professional advisers, who advised them, under a full sense of their responsibility; and it has been shown to-night that the declaration of the Board of Trade fell short of the terms used by the judicial and professional advisers of the Board. Under those circumstances, it appears to me that the issue before the House is an extremely narrow one, and extremely difficult to sustain. Would it have been satisfactory to my hon. Friend to have begun by admitting that the sentence of the Court was unassailable, but that the objection he took was to the terms in which the Board of Trade had given their sentence in answer to the application of Captain Eyre? As regards the general question, what does this question amount to? May it not be described as an appeal by the hon. Member to this House to try, in the course of a discussion which we commenced somewhere about 11 o'clock to-night, the merits of a collision at sea at the other end of the world, and to try it when it has already been tried, I will not say by the Board of Trade in this country, but by a Court which sat upon the spot, and had an opportunity of taking all the evidence, and which has delivered a judgment under a full sense of its responsibility. There was every opportunity for the parties interested to be heard; or, at least, if there was any difficulty on this point, it affected the *Oneida* rather than the *Bombay*. We are now asked to overturn a responsible and deliberate judgment by an irresponsible and hasty judgment. The hon. and gallant Member for Portsmouth has shown considerable confidence in his own opinion; and I would ask him whether, in a case of this kind, it would be wise and safe to encourage appeals of this description to a popular and mixed assembly from sentences of a judicial character, and thus weaken the authority of such judgments. This is really a matter in which the character of the country is involved. By the principle introduced into our Merchant Seamen's Code we had given pledges to the world—for the world is just as much interested in that Act as Englishmen—"We pledge ourselves, by this law, to treat as an offence a neglect to render due assistance in case of danger to life from a collision." And if we were not to enforce the law under all circumstances, we should compromise our character in the eyes of the world. Then it is said by the Motion of the hon. Member that further inquiry should be made into the conduct of Captain Eyre. What further inquiry is desired? The Board of Trade has no power to call another Court to sit on the case. The demand of my hon. Friend simply amounts to this — that, having made an investigation with the best means of information at command, we should have a new investigation, which should be conducted without any such means of information. Setting aside all reference to the United States, and the naturally excited feelings of the people of the United States, I think the Motion of my hon. Friend rests on grounds that cannot be sustained; and I hope the House will not be tempted to embark in a course which would be attended with so much public danger, and full of national difficulty.

Sir JOHN PAKINGTON: Sir, this question is one which ought to be regarded solely upon the truth and justice of the case; and, viewing it in that light, I am desirous to say that, having carefully read and considered the evidence which has been brought before us, I cannot at all concur in any censure either upon the decision which was arrived at by the Court of Yokohama, or upon the conduct subsequently of the Board of Trade. I should be sorry to say a word which might for a moment be considered unfair to Captain Eyre, who is, no doubt, a very meritorious officer; but the chief question involved is one of higher importance than the character of any man, for not only is the character of our merchant service at stake, but even our national character. It should be clearly understood, both by our law and in our practice, that whenever the misfortune of a collision at sea takes place it is the paramount duty of the captain of the surviving vessel to endeavour to secure the safety of the lives of those in the injured vessel, so far as is consistent with the safety of those in his own vessel. I think there is no answer to this view of the case. I am very glad to hear the tone in which the right hon. Gentleman opposite (Mr. Gladstone) has discussed this subject, and I was also very glad to observe the calm and impartial manner of the hon. Member for Liverpool (Mr. Graves), who really represented the true light in which a subject like this ought to be regarded. There ought to be no warmth of feeling exhibited on either side in the discussion of this question, and we should look to nothing but the strict justice of the case.

CAPTAIN EGERTON said, that he and naval friends of his who had looked into the facts of the case had arrived at a diametrically opposite conclusion to that come to by the Court; but after what had been said by the Secretary of the Board of Trade and the First Minister of the Crown, he would recommend his hon. Friend not to press his Motion.

MR. HANBURY TRACY: The debate which has taken place seems, Sir, to have shown most satisfactorily that the Board of Trade are startled at the construction of their own letter, and that they entirely disclaim the intention of imputing inhumanity to Captain Eyre. The right hon. Gentleman at the head of the Government has also clearly stated that, in his opinion, Captain Eyre can only be accused of an error in judgment at a most critical and difficult moment, and not of inhumanity. There was one point raised by the hon. Member for Tynemouth, about which I must say one word. He stated that an iron vessel, built in compartments, would be perfectly safe, even if she had a hole as big as the door of the House of Commons in her. Now, Sir, this is perfectly true of a new vessel; but he seems quite to forget that the *Bombay* was 18 years old, and, therefore, the same trust could not be placed in her compartments as in a vessel just built. The charge of inhumanity being distinctly withdrawn I will not press my Motion any further.

Motion, by leave, *withdrawn.*

## CORRUPT PRACTICES AT ELECTIONS.

### MOTION FOR A RETURN.

MR. J. LOWTHER, who had given Notice to call the attention of the House to Petitions containing grave charges of misconduct against certain Commissioners appointed to inquire into the existence of Corrupt Practices at Elections; also to Affidavits filed in the Court of Queen's Bench, in the matters of "The Queen *v.* Fenelly;" and "The Queen *v.* Hardiment;" said, on account of the lateness of the hour (20 minutes to 1 o'clock), he would confine himself to the second part of the subject. Shortly after the appointment of the Royal Commission, Mr. Fenelly received a summons, ordering him to hold himself in readiness on a certain day to attend at Bridgwater, and give evidence before the Commissioners. After he had received that notice, a visit was paid him by a Mr. Purcell, with whom he was slightly acquainted, and who said he called on him in his capacity of secretary to the Bridgwater Commissioners. He further informed him that he would be one of the first witnesses examined by the Commissioners, and he wished him to state to him (Mr. Purcell) all the facts he knew of connected with the election. He advised him to tell him all—no matter who might be implicated—stating that, if he did not do so, he would be refused his certificate by the Commissioners. Mr. Fenelly gave him all the information he required. Now, either Mr. Purcell had called on Mr. Fenelly as secretary to the Commissioners, or he was conducting a fishing inquiry, which was in no way included in the terms of the statute. After the lapse of a few weeks, Mr. Fenelly wrote to the secretary of the Commissioners, requesting to know when his evidence would be required. The answer he received was not written by Mr. Purcell, but by a gentleman who was acting as secretary during Mr. Purcell's temporary absence. It informed Mr. Fenelly that he would be required on and after a certain day in August. Mr. Fenelly proceeded to Bridgwater, and attended the Court of Commissioners for 14 days; he was not examined, but he was refused his certificate. In the Court of Queen's Bench an affidavit was filed by two of the Commissioners. They stated that they had never, in any manner, either expressed or implied, authorized Mr. Purcell to give any pledge or assurance, or to convey any impression or understanding to Mr. Fenelly that he would be examined. They further said that Mr. Purcell had never communicated or suggested to them that he had given any pledge to that effect to Mr. Fenelly, and that he had never given them to understand that Mr. Fenelly would consider himself hardly dealt with if he were not examined. Now, it must be remarked that the Commissioners carefully abstain from asserting that Mr. Purcell was not authorized by them to conduct preliminary examinations of probable witnesses, nor do they deny that they were well aware that Mr. Fenelly had been so examined by their secretary. He (Mr. Lowther) would next refer to a letter written by Mr. Purcell the secretary to the Commission in reply to a communication from Mr. Fenelly's solicitor. The secretary in that letter stated that the Commissioners were made fully acquainted by him with his call upon Mr. Fenelly, and also with the facts disclosed to him by that gentleman; and he added that his visit to Mr. Fenelly was not an exceptional one; that he had called upon nearly every person likely to be able to give important information (except the candidates) whose names had been ascertained by the Commissioners; that he had received no intimation that Mr. Fenelly would be marked out for prosecution; and he also adverted to the fact that Mr. Fenelly had given really valuable and willing assistance to the Commission, by opening up the clue to the whole corrupt organization of the borough. Then there was a letter written by Mr. Tracey Gould, the acting secretary to the Commissioners during Mr. Purcell's temporary absence, stating that he had summoned Mr. Fenelly by order of the Commissioners, and certainly understood that his examination was a mere question of time and convenience; that Mr. Fenelly had been communicated with throughout, on the assumption that he was to be examined, and that he had stated the general purport of the evidence which he was to give. Those two letters were, he thought, a complete refutation of the affidavit of the Commissioners. He did not wish to cast any doubt on the *bona fides* or veracity of the Commissioners. He had had a personal acquaintance for many years with the senior Commissioner, and was sure that gentleman would not put his name to anything which he did not believe to be thoroughly correct. But there were extenuating circumstances of no ordinary character to be urged in favour of those two Commissioners. Their ears had been so filled for months with the language of condemnation pronounced upon them, not only by the Press, but in other quarters, that many matters of detail might easily have been driven out of their heads. Mr. Purcell had offered to make an affidavit embodying the substance of his letter, and that affidavit had been prepared, but Mr. Purcell thought it necessary to communicate with the Commissioners before signing it, and the result of that communication was that the affidavit was still unsigned. He understood a counter affidavit had been prepared in the official Department of the Solicitor to the Treasury, and sent to Mr. Purcell for signature—that counter affidavit being confirmatory of the affidavit of the Commissioners—but Mr. Purcell refused to sign it, because it was not in accordance with the truth. In addition to that, the jury who tried the case, who recommended Mr. Fenelly to mercy, followed up that recommendation by an unanimous memorial on his behalf, which was forwarded to the Crown. Probably he should be told that memorials of that kind were usually sent to the Judge who tried the case, and perhaps that course had been taken in this instance. If that were so, it was very nearly a waste of time, because the matter was not one to be referred to the Judge, for the circumstances of that case were not put forward as reasons why the verdict should not have been found, or the sentence passed, but as reasons why the clemency of the Crown ought to be exercised. The Lord Chief Justice, in passing sentence, said there were circumstances in the case which might entitle the prisoner to a pardon from the Crown. He (Mr. J. Lowther) was not calling in question the finding of the jury or the sentence of the Court, but merely adopting the course indicated by the Court who tried the case. The case of Mr. Hardiment was, he believed, in many respects analogous to that of Mr. Fenelly. But the question involved in both had a most important bearing on the liberty of the subject in this country. One of the oldest maxims of the English law was that no man could be convicted out of his own mouth; and a police constable was not allowed to put the simplest interrogation to a common pickpocket without distinctly cautioning him that he was not bound to give an answer to any question which might be brought against him in evidence. However, in order to meet corrupt practices pursued at elections, an Act was passed a few years ago enabling Commissioners of Inquiry to get statements from witnesses which might criminate them. But an important clause was inserted in the Act—and one without which the Act would never have received a second reading from either House of Parliament—rendering it imperative on the Commissioners to give a certificate of indemnity to any witness who answered truthfully all the questions tending to criminate him; and the Court of Queen's Bench had not hesitated to grant a *mandamus* to compel the application of that clause. Now, how had this provision been acted upon in the cases in point. The Commissioners sent their secretary to persons eligible to be called before them as witnesses, held out to those persons threats that unless they stated all they knew to the secretary it might be worse for them, and under those threats the witnesses made certain statements. That he took to be a constructive examination of a witness by the Commissioners through the secretary. And the Commissioners, having obtained evidence in that way, availed themselves fully of it—as in the case of Mr. Fenelly—to examine other witnesses from the notes taken in writing by Mr. Purcell during his interview with Mr. Fenelly, and then they turned round and said they had got all they wanted, that they would not call Mr. Fenelly, or give him a certificate of indemnity, but would hand him over to be dealt with by the Attorney General. Was that carrying out the letter, not to say the spirit, of the statute? He maintained that it was a gross violation of the law of the land. Were the Commissioners entitled to send a person in their name to obtain information by means of threats, and when they had obtained it to turn round and say—"We have got out of you all that is necessary, we will set the statute under which we have been appointed at defiance, and the spirit of the law at nought, and we will hand you over to be prosecuted by the Attorney General?" That was a case which showed that the law was liable to abuse in a way that Parliament had never contemplated. He begged to move for the Return.

MR. C. S. READ, who apologized for addressing the House at so late an hour (1 o'clock), said, that the conduct of the Norwich Commissioners had excited the gravest discontent in that city. It was rather extraordinary, in the first place, that the Commissioners, instead of beginning where Baron Martin had left off — that learned Judge having discovered all the bribery, though not the sources from which it had proceeded—should have begun *de novo*, should have examined 1,500 witnesses, have sat for 33 days, asked nearly 45,000 questions, and put the the city to enormous expense. And what was the whole foundation of the Commission? Why, the story of a small boy that £1,000 had been sent down by the Carlton Club to bribe the electors of Norwich; and as soon as the origin of the story was discovered the inquiry collapsed. It was a mistake to suppose that every one who voted after 2 o'clock was of necessity bribed, or that every one who was a zealous partizan was employed in corrupting others. He (Mr. C. S. Read) happened to go twice into the Court while the inquiry of the Commission was being conducted, and he was struck by the peculiar and difficult position in which the three learned Commissioners were placed, being judge, jury, and prosecuting counsel at once. He was not ashamed to confess he thought that sort of Court a real disgrace, and more like an inquisition than a British Court of Justice. He happened to go in at the end of one day's inquiry, and there he found a man who had been in the dock since the early morning. One of the Commissioners told the man to stand up, and then said, in substance—"I will give you one more chance. If you don't confess that So-and-so gave you *5s.* I will send you to prison for six months." Of course the man confessed; and he (Mr. C. S. Read) confessed if he had been in the man's position, though innocent, he would have been sorely tempted to do the same. Another day he saw a highly nervous witness going through all the mental torture it was possible to inflict on him, the three Commissioners asking him a variety of questions as to what happened on some day 12 months before—whether a certain person had not nodded and winked and looked in a jocose manner at him—things which might have been done to anybody yesterday and quite forgotten. He had presented a Petition to that House, signed by 1,269 electors, inhabitants of Norwich, almost all the first signatures being those of magistrates, and in it was this allegation, that—

> "The conduct of two of the Commissioners was violent and unjudicial in its character, and totally opposed to the proceedings of English Courts of Justice."

No doubt the short-hand writers had taken down all that had occurred, but it was a strange thing that such expressions as these by the Commissioners did not appear in the Minutes of Evidence—"I don't believe a word you say." "There is not a syllable of truth in all you utter." "You have told lies." These things were constantly occurring, and for all he knew they might have been quite true; but at the same time, they ought to have appeared on the Minutes of the Evidence. But coming to special cases—Mr. Woodrow, a land agent, was called a buffoon; Mr. Chittock, a solicitor, was told by the Chief Commissioner that he was ashamed of the profession to which he belonged; a witness named Fuller was told he had committed perjury; and another named Townsend was told that he was a sorry scoundrel. Now all these things are omitted from the Report. Then, coming to the case of the Rev. Mr. Dombrain, one of the most hard working and respected of the parochial clergy of Norwich. The Chief Commissioner lectured him for daring to go into a newspaper office to see the state of the poll, and said it would have been more in accordance with his Christian profession to have been ministering to the wants of his flock. So much did he appear to have been insulted by the Commissioners in the eyes of the citizens of Norwich, that they presented him with an address of condolence. From the Preliminary Report sent to the Attorney General four persons were selected for prosecution, of whom two were acquitted. The Commissioners gave Hunt and Smith certificates, but delayed to do so to Hulme until after the Lord Chief Justice's remarks in the Queen's Bench. Then he got a sort of qualified certificate, which when he was convicted, the Judge took into account, and he was not imprisoned, but only condemned to a fine of £100. The case of Hardiment was very similar to the case of Mr. Fenelly. The secretary to the Commissioners came down, and advertised in the newspapers for evidence for which a certificate would be given. He was not sure whether Hardiment went to the secretary or the secretary to Hardiment; but, at all events, after the secretary got all the information he required from him, Hardiment, though he attended at the Court day after day, was never called, and at last he was handed over to the Attorney General for prosecution, and sentenced to six months' imprisonment. By the Bills which had just received the Royal Assent they had given judicial sentences against those scheduled men without affording them an opportunity of being heard, and had passed upon them statutory disqualifications for life. He would humbly ask the House to take into consideration the case of Mr. Hardiment, and would second the Motion.

Motion made, and Question proposed,

> "That there be laid before this House, a Return of all expenses incurred by the Royal Commissions severally appointed during the year 1869 to inquire into the existence of Corrupt Practices at Elections in the City of Norwich, and the Boroughs of Beverley and Bridgwater."—(*Mr. James Lowther.*)

MR. GREENE moved that the debate be now adjourned.

MR. NEVILLE-GRENVILLE, in seconding the Motion, said, he thought it very hard that Mr. Fenelly should have been sentenced to 12 months' imprisonment when those by whom his acts were instigated were allowed to go free. He (Mr. Neville-Grenville) would suggest, as a means of raising the character of the Bribery Courts, that the Commissioners should in future wear their legal habiliments. He trusted that some remedy would be afforded to individuals who had suffered from the conduct of the Commissioners, and that the whole system would be revised.

THE ATTORNEY GENERAL said, he would not oppose the adjournment, but he could not allow some of the statements made to pass unchallenged. He maintained, in opposition to the Gentleman who had brought forward this Motion (Mr. J. Lowther), that the conduct of the Commissioners, far from having been censured in Courts of Justice, and condemned by the Press and public opinion, had been generally approved, and that they had done great service to the country. They had conducted their inquiries with great ability and zeal, and the information they had afforded the House had been of the most valuable kind. He did not pretend to say that in every individual instance what had been done was not open to observation; but, so far from the conduct of the Commissioners having been censured in Courts of Justice, the only case in which any disapproval had been expressed was in the case of the examination of Mr. Lovibond, one of the most corrupt of the electors of Bridgwater, the most corrupt borough in the kingdom. In that case, the Court before whom the matter came had simply said that the examination was somewhat too severe; but there was no pretence for saying that anything of that kind ever had been alleged in the case of Norwich and Beverley. He denied that Mr. Hardiment had given the Commissioners any information whatever, and though the same could not be said of Mr. Fenelly, yet what Mr. Fenelly did disclose was entirely in his own favour, while he carefully concealed the evidence upon which he was subsequently convicted. The statement of Mr. Purcell had been denied by the Commissioners, who contradicted it in almost every particular.

Mr. MAGUIRE said, he thought that the case of Mr. Fenelly was one in which the clemency of the Crown might be reasonably exercised.

Mr. BRUCE said, that there was nothing whatever in the Motion of his hon. Friend (Mr. J. Lowther) which could lead him to suppose it involved any question as to the exercise of the prerogative of mercy. With respect, however, to what had fallen from his hon. Friend the Member for Cork (Mr. Maguire), he might state that, with reference to the facts brought forward at the trial, the circumstances disclosed in the memorial, and the opinion of Mr. Justice Hannen, he saw no reason to be dissatisfied with the verdict. There were other circumstances which it was also his duty to consider; but these did not induce him to alter his opinion that the sentence ought not to be interfered with.

Debate *adjourned* till *Tuesday* next.

## PARLIAMENT—BUSINESS OF THE HOUSE.—RESOLUTION.

Mr. A. JOHNSTON said, he begged to call attention to the hardship inflicted on private Members by the practice of counting out the House at Evening Sittings, and to move a Resolution of which he had given Notice.

Motion made, and Question proposed,

"That, in the opinion of this House, the interests both of Government legislation and of private Members would be promoted by the abolition of Morning Sittings, and by giving Government business precedence of Notices of Motions on Tuesdays after the 15th of June in each year."—(*Mr. Andrew Johnston.*)

Mr. BRUCE said, he thought the hon. Gentleman would have exercised a wise discretion if he had not brought forward at so late an hour a subject which could not be properly discussed without a large attendance of the House, especially of those whose opinions on such questions were listened to with general respect.

Motion, by leave, *withdrawn.*

## SEWAGE UTILIZATION SUPPLEMENTAL BILL.

On Motion of Mr. Knatchbull-Hugessen, Bill to confirm a Provisional Order under the Sewage Utilization Acts relating to the District of East Barnet, *ordered* to be brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.

## CONSOLIDATED FUND (£9,000,000) BILL.

Resolution *reported;*

"That, towards making good the Supply granted to Her Majesty, the sum of £9,000,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.

Bill *presented,* and read the first time.

House adjourned at a quarter before Two o'clock.

# HOUSE OF COMMONS,

*Wednesday, 6th July,* 1870.

MINUTES.]—New Writ Issued—*For* Norwich *v.* Sir Henry Josias Stracey, baronet, void Election.

Select Committee—Army (Colonels), *nominated.*

Public Bills—*Resolution in Committee*—Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment [Consolidated Fund]*.

*Ordered—First Reading*—Habitual Drunkards* [197]; Pedlars' Certificates* [199]; Vestries (Isle of Man)* [198]; Public Schools Act (1868) Amendment* [200].

*First Reading*—Sewage Utilization Supplemental* [201]; Sequestration * [202].

*Second Reading*—Poaching Prevention Act Repeal [93], *negatived;* Sunday Trading [68]; Shipping Dues Exemption Act (1867) Amendment * [194]; Consolidated Fund (£9,000,000)*.

*Committee*—Juries (*re-comm.*) * [182]—R.P.

*Considered as amended* — Wages Arrestment Limitation (Scotland) * [118].

*Third Reading*—Pier and Harbour Orders Confirmation (No. 2) * [178], and *passed.*

*Withdrawn* — Vaccination Act (1867) Amendment * [126].

## POACHING PREVENTION ACT REPEAL BILL—[BILL 93.]

(*Mr. Brown, Mr. Andrew Johnston, Sir David Wedderburn, Mr. Thomas Potter.*)

### SECOND READING.

Order for Second Reading read.

MR. BROWN, in moving that the Bill be now read a second time, said, that his object was to repeal the Act passed in 1862, introduced into that House by Sir Baldwin Leighton, at that time Member for South Shropshire. The right hon. Gentleman the Member for Morpeth (Sir George Grey), who was then Home Secretary, in opposing that measure, said—

> "It would greatly increase the stringency of the Game Laws. It had been framed with the greatest haste. He had received the memorial from 28 chief constables, who stated, however, that they were most anxious the constabulary should not be employed to protect game. These constables signing the memorial had also furnished returns as to murders or attacks by poachers on gamekeepers, and in 10 of these the return was 'nil,' so that in 10 counties not a single case of the kind had occurred. In the rest cases had occurred. . . . Under the provisions of the Bill a constable would be authorized to stop, search, and detain 'any cart or other conveyance in or upon which there should be reasonable cause to suspect that any such game was being carried.' That was a power that did not exist with regard to stolen property, for a constable could not stop a carriage except under the Metropolitan Police Act, which compelled a warrant to be first obtained for power to search. He recommended the withdrawal of the Bill."—[See 3 *Hansard*, clxviii. 377.]

The right hon. Gentleman the Vice President of the Council of Education (Mr. W. E. Forster) equally opposed the conversion of the county police into gamekeepers, and said—

> "If the Bill passed many gentlemen would have defrayed out of the county rates part of the cost which they now paid for an amusement."

The Bill, too, was opposed by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) who denied that poaching was sufficiently on the increase to warrant the passing so stringent a measure, and who contended that the result of giving these powers to the police would be to make them less attentive to their natural game, the thieves, in proportion to the energy with which they devoted themselves to their new duties. The severity of the provisions of the Bill was somewhat lessened in Committee; but after scenes which would be in the recollection of many hon. Members the Bill was ultimately read a third time and passed. The difficulty of carrying out the provisions of the Act had been fully exemplified by the numerous cases which had come before the magistrates, in which the words, "giving cause for suspicion" were subjected to various readings, while the general effect of the working of this extraordinary measure had evidently been to intensify rather than to diminish the evils arising from poaching. Many cases of hardship had arisen under the Act, persons having been committed for private poaching, though they were entirely innocent of the crime; but it was only fair to the police to say that, considering the enormous powers with which they had been intrusted, it was a matter of some surprise that more had not arisen. If hon. Members opposing this Bill objected that all Acts of Parliament were liable to abuse, he could urge other and higher grounds than that of the conviction of innocent persons under the Act. But the Act had done nothing to stop poaching, for the convictions for this offence were still actually on the increase, and had been increasing year after year. [Colonel BARTTELOT: Because they've caught them.] In 1858 the total offences under the Game Laws numbered 7,473, in 1869 they had increased to 10,345. The increase in the five years from 1858 to 1862 was 15¾ per cent, and in the five years after the passing of this Act it was 19¼ per cent. No doubt in the year 1862 there was a great increase in poaching; but that increase he believed was due solely to temporary causes—to the Cotton famine caused by the American War. He would remind the House that from Scotland during the last election there had been no uncertain sound with regard to the damage caused by game, and it was well known that many hon. Members were returned to that House with the express object of endeavouring to secure the repeal of the Game Laws. He would ask the House to repeal this Act, because, while effecting little or no good, it had created a great deal of annoyance throughout the country districts. It was evident that the police in some parts of the country were largely employed in the preservation of game, in proof of which statement he would quote the Return obtained by the hon. Member for Hertford, which showed that there had been 806 convictions last year under this Act, and that while so acting as assistant gamekeepers their support devolved upon the general body of the ratepayers, and he certainly could not see why the heavily-taxed ratepayers should be called upon to contribute to the preservation of animals that certainly destroyed a great amount of the food in this country. If game was to be preserved it should be at the expense of the owners and not of those who derived no benefit from the Act. He begged, therefore, to move that the Bill be read a second time.

SIR DAVID WEDDERBURN, in seconding the Motion, said, that the present Bill was limited in its scope, and was simply intended to deal with the Poaching Prevention Act of 1862, commonly known as Sir Baldwin Leighton's Act. It was only eight years since that Act was passed; but during that interval there had taken place a great Parliamentary Reform, and it was not likely that anyone on either side of the House would ever venture to propose a similar measure to the present House of Commons. It therefore seemed only proper that "the householders' Parliament" should have an early opportunity of rescinding the unpopular Act of its predecessor. Before the Committee of 1845 the strongest evidence was given of the severity of the Game Laws; and the Under Secretary of State for the Home Department said that these laws were the severest in the statute book, and that he knew of no law, except the Night Poaching Act, by which a magistrate had power to imprison, with hard labour, in default of finding of securities not to repeat an offence for which imprisonment, with hard labour, had been already inflicted. It might have been hoped that in the course of 25 years something would have been done to relax their severity; but the only important Game Act since passed was that of 1862, which was forced through the House of Commons in the teeth of strenuous opposition from leading men on both sides. It was not too much to say that since the Reform Act of 1832 no such piece of unequal class legislation had passed this House. No enactment had gone so far to render the Game Laws hateful to the general community, who were not sportsmen, farmers, or poachers, but simply ratepayers, and who saw their paid servants, the police, invested with new and arbitrary powers in order to protect not the property, but the pastime of their wealthier neighbours. An eloquent opponent of the Game Laws stated recently in public that he dated their certain repeal from this triumph of the game preservers. Speaking, however—possibly from selfish motives—he was not yet quite prepared to accept the Bill of the hon. Member for Leicester (Mr. P. A. Taylor) for sweeping from the statute book all penal laws whatever relating to game. He knew, however, that public opinion was now setting strongly in that direction, and that those who a few years ago would have been satisfied with reform were already agitating for total repeal. Feeling satisfied that this Act, the last and worst, should be the first to go, he had ventured to put his name upon his hon. Friend's Bill, to which he now asked the House to accord a second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Brown.*)

VISCOUNT GALWAY said, he would not go into the general question of the Game Laws, which would come before the House on another occasion; but he protested against the repeal by a sidewind of a statute which had worked satisfactorily. The Mover of the Motion now before the House asked how it was to be found out that game carried on the high road was carried illegally. The answer was, that the police found no difficulty in the matter. The hon. Member said that poaching had increased since the passing of the Bill. But so had the population; and the police having become more vigilant, and having increased powers to stop persons on the high roads, the number of apprehended poachers was of course increased. The hon. Member had also said that the number of the police force had been increased. But this was not in consequence of the Game Laws. The Seconder of the Motion had stated that the Reform Bill having passed, this Bill ought to be repealed. The only conclusion which he (Viscount Galway) could arrive at on the point was that the hon. Member wished the householders to have a better chance of poaching. The Act was carried by a very considerable majority, notwithstanding the opposition of some most influential Members of the House. It was opposed by Lord Stanley, by the right hon. Member for Morpeth (Sir George Grey), by the old and respected Member for Oxfordshire (Mr. Henley), by the present Chancellor of the Exchequer, and by the Vice President of the Council, as well as some other influential Members, and the Prime Minister. There must, then, have been some merit in this Bill, for it was carried through the House. The right hon. Member for Morpeth spoke against the Bill on the second reading; but he was not quite sure that the right hon. Baronet voted against it. [Sir George Grey: I did.] The right hon. Baronet tried to improve the Bill in Committee. As it came down from the Lords it was certainly too stringent. It was very much improved in the House of Commons by the aid of the right hon. Baronet, and also by the assistance of the present First Commissioner of Works. The right hon. Member for Oxfordshire said, the Bill would authorize the police to interfere in the question of game. This was the grave objection; but if their objections on that point had been borne out by experience, would they not have been in their places that day to support the hon. Gentleman (Mr. Brown)? The real question was, had the Act worked well? He had not heard a single argument adduced by the Mover and Seconder of the Motion showing that it had not acted well — that the magistrates had complained of it; that the police had complained of it; or, in fact, that any complaint had been made against it throughout the country. In his own county the Act had worked satisfactorily—in truth, the Act had broken up the gang of poachers. There was no more effectual way of stopping poaching than stopping the poachers on the high road and taking away their nets and engines of destruction. The most implacable opponent of the Act formerly was the Vice President of the Privy Council. The opponents of the measure divided the House repeatedly, reported Progress, did everything they could to defeat the measure. He hoped the right hon. Gentleman had learned wisdom by experience—that he had been convinced that the measure had worked satisfactorily, and that the result would be to prevent poaching, to make parents respectable people, and send their children to the schools which he was so anxious to establish about the country. Another opponent of the measure was the present Chancellor of the Exchequer, who thought that the power to the police of stopping persons on the highway would be unpopular. But the right hon. Gentleman now proposed to authorize the police to make a still greater interference, and go on land and demand the gun tax. He (Viscount Galway) did not wish to increase the power of the police, but he thought the Act had worked well. He was by no means an advocate for an over-protection to game—he thought that those who tried to increase the growth of rabbits did not know their own interests. But he was equally opposed to thieving, to which the present Act operated as a considerable check. Not only had the police found game on the highway; but, under the game, poultry; and under the poultry, plate. He therefore begged to move, that the Bill be read a second time upon this day three months.

Mr. GREENE, in seconding the Amendment, said, his opinion was that there was no step between the maintenance of the Game Laws and the proposals on the subject which had been made by the hon. Member for Leicester (Mr. P. A. Taylor). Either it was right that game should be preserved, or it was wrong. If it was wrong, the system should be directly attacked. He altogether objected to piecemeal legislation. He had endeavoured to give the existing Game Laws his best consideration; but it was simply a waste of time to seek to deal with them by four or five measures such as were this Session before the House, as there was not the slightest chance of their passing into law. It was, indeed, only because some hon. Members represented cantankerous constituencies that the question was so often brought forward; but he had no such incentive to meddle with matters of the kind, for he was glad to say that he represented one of the pleasantest and best of constituencies. Who was it, he asked, that complained of the Night Poaching Act? Did the occupiers complain of it? There might be a man here and there who did; but, so far as he could judge, the intelligent farmers did not call for its repeal. The farmers were his best friends, as they permitted him to ride over their lands whenever he pleased. He ought to know something about poaching. When he first went to live in the parish in which he now resided, it was one of those which, previously to the Union Rating Bill, were called "open parishes." Every one who did wrong in the surrounding parishes was sent into it to live, and there were in it at the period to which he was referring 24 men who regularly carried guns and shot game, which they afterwards sold at the public-houses. Well, as a remedy for that state of things, he said to these men—"I am coming to live among you; I am fond of sport; I shall keep a sharp look out, and if I catch you poaching I will prosecute you. And mind, I shall put on very active men to look after you." The result was that these men had ceased after a time to commit the offence. Some of them he had recommended to go to Canada. He would state what had happened to him since the Night Poaching Act had come into operation. One morning he had had one of those early sleeps in which he advised hon. Gentlemen to indulge as often as possible, and he rode out early. On his way home he overtook two of his friends, whom he knew to be notorious poachers, and he saw that they had been engaged at their trade. Having met a policeman he pointed them out to him. One of them ran away, but the other was taken into custody, and at once said that it was now impossible to poach, for if poachers were not caught on the land they were liable to be caught off it. Well, that very man worked for him at the present moment, and was, he believed, as steady as any man in the parish. It was said that game offered a temptation, but so did the butcher's shop. If game was not to be protected what was to be said of the fowl-yard and the pig-yard? There were, of course, some hon. Gentlemen opposed to the preservation of game, because their political existence depended on agitation. But although they might not be fond of shooting or hunting, they might, he thought, use their spare energies in a better way. There were, no doubt, some persons who were given to over-preservation, and their conduct, like that of a few evicting landlords in Ireland, occasioned a great outcry. To such persons he would say—"Keep down your rabbits and hares, and you will hear very little about game." The result of the complete destruction of game would, he believed, lead to a great extent to that absenteeism which was said to be one of the great evils of the sister country. The poor would, in the long run, be the sufferers. If the game were destroyed, what, he should like to know, was a man to do with his guests after breakfast in the country? One of the penalties he should like to impose upon those hon. Gentlemen opposite who proposed the repeal of the existing Act, was that they should come and stay with him in the winter under the altered state of things, when, instead of offering them any sport, he would have to tell them that they must walk about between breakfast and dinner time in a solitary place and amuse themselves as well as they could in smoking. If they had to suffer in that way for three days they would come back to the House and implore hon. Members to re-enact the Bill. It was either right or wrong that there should be a law providing that in the event of a man trespassing on another's property, and taking away that which did not belong to him, the owner should be protected. Justice was done to the poacher—even more than justice. No man regretted more than he did that there should be so many prosecutions for poaching; but much as he differed from the hon. Member for Leicester — and he scarcely ever agreed with him on any subject—he must admit that he was far more consistent in his attempts at legislation with reference to the Game Laws than the Mover of the present Bill, the result of passing which would be to encourage the poacher. Repeal this law, and why not repeal every penal law and let people rob each other as they pleased. He would implore hon. Members to discuss the question in that House as they would round their own dining-tables—in a calm, serious, and proper manner, and not, by such speeches as he had listened to, seek to inflame the passions of a well-contented people.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Viscount Galway.*)

**Sir GEORGE GREY** said, that as allusion had been made on both sides of the House to the part which he took in 1862, when he held the office of Secretary of State, in opposition to the passing of the Act which it was now proposed to repeal, he desired to state the course which he should feel it his duty to take that day. It was quite true that he strongly opposed the Bill when it came down from the House of Lords. The Bill underwent considerable modification in its passage through this House; but he thought that the powers it conferred on the police were larger than necessity required, and therefore he opposed it, although many of the objections to the original Bill were removed by Amendments made in that House. He opposed the Bill partly on the representations of 28 chief constables, who objected to the duties which it conferred on the police, and partly from an apprehension that serious abuse might arise from placing these powers in the hands of the police. He had, he believed, voted not only against the second, but against the third reading. But it was a very different thing to oppose a Bill in its passage through Parliament, and to vote for the repeal, without any inquiry, of an Act which had received the sanction of a large majority of the Members of both Houses. And he was bound to add that, owing to the great discretion with which the chief constables of counties generally had exercised the power vested in them, and the manner in which they used the authority over the men under their charge, the apprehensions which had been entertained by those who opposed the Bill of an abuse of the power vested in the constables had not been verified. Very few complaints had been made of the operation of the Act, although he still thought the powers it gave were larger than ought to be intrusted to the police. In one respect—he referred to the case of those gangs of professional poachers who were in the habit of making some populous town the centre of their operations, and who went out armed at night and carried their game back to their head-quarters in town, the Act had, he believed, worked beneficially. The police knew them to be poachers, and yet, in the face of the police, the poachers formerly carried their game to their quarters in the town, sold it, and pocketed the profits of their nefarious enterprize with impunity. In this respect the Act had been useful as a check, and the repeal of it now would, he thought, be rather an intimation to those poachers that they might resume their old practices, and would lead to a great increase of crime. But, in addition to that objection to the Bill, he concurred with the hon. Gentleman who spoke last, that it was not desirable to proceed by piecemeal legislation. It was merely nibbling at a great subject which ought to be dealt with in a much more comprehensive manner. This was not the only Bill which proposed a repeal of the Act of 1862. There was a Bill before the House, in which the hon. Member for Bury (Mr. Hardcastle) proposed that game should be made the property of the occupier. If that principle were adopted—of which he was disposed to think favourably, though he would give no decided opinion upon it now—it would involve the repeal not of this Act only, but of several other Acts relating to game as was proposed in the Schedule to the Bill, and it would place the whole question upon a different and a more satisfactory footing. As the law stood at present it was very difficult to make the people believe that it was an equal crime to take game as to take fowls or other poultry. But that was a question which the Government ought to deal with. They had four Bills before them on the subject of the Game Laws, exclusive of that under discussion. They had now entered upon the month of July, and there were several important questions which it was essential they should dispose of. He thought, therefore, it was impossible to deal with the question this Session, and he would advise that all these Bills should be withdrawn, which, if they were pressed, would only waste time that might be much more usefully employed, and he hoped that during the Recess his right hon. Friend the Secretary of State for the Home Department might be able to take the whole subject into his consideration, with a view to its being dealt with early in the next Session. There was no doubt a strong feeling in the country on this subject; but there was no use in attempting to deal with it this Session. In the part of the country where he lived he did not believe there was any strong feeling on the subject;

the tenants had liberty to kill hares, and there was no excessive preserving of game. For himself, he could not sufficiently deprecate that over-preservation of game which existed in some parts of the country for the sake of enabling a great head of game to be killed in the course of two or three days. That was anything but sport. He was glad to say he had never heard it defended in that House. If that excessive preservation were done away with a great deal of the unpopularity which now attached to the Game Laws would, he believed, cease to exist. He had simply to add the expression of a hope that the hon. Member (Mr. Brown) would not press his Motion to a Division, but would be satisfied with the expression of opinion he had elicited from all parts of the House.

MR. WILBRAHAM EGERTON said, he was glad to find that the right hon. Baronet who had just sat down had seen reason to modify his original opinion as to the arbitrary nature of the measure, and that he was now induced to think that the discretion of the police justified the large powers intrusted to them by the Act. He rose for the purpose of stating how the Act had worked in the county which he represented (Cheshire). Before the passing of the Act one of the worst evils of the system was that large gangs of poachers came out from the manufacturing towns to the agricultural districts, and though the police met the produce of their poaching going into the towns in carts they could not interfere. He was happy to say that the Act had had considerable effect in reducing the numbers of these large gangs. The hon. Member for Wenlock (Mr. Brown) had stated that there was a considerable increase in poaching cases since the Act was passed. That might be true, but the hon. Member had not discriminated between the different classes of cases. His argument, if it was good for anything, was in favour of the abolition of all game laws. He (Mr. Wilbraham Egerton) had received returns from the chief constable of Cheshire of the cases of poaching since the passing of the Act, distinguished under the heads of trespass by day in pursuit of game, night poaching, and offences under the present Act. It appeared that under the first head there was an increase of cases, between 1860 and 1869, from 133 to 275. In night poaching there was also an increase from 23 in 1860, to 34 in 1869. But with regard to the cases under this Act there had been a decrease, from 58 in 1863, which was the first year it came in operation, to 43 in 1869. The question had also been discussed before the Cheshire Chamber of Agriculture, and though there was a large attendance of the farmers, no resolution was carried in favour of the repeal of the Act. He thought it was quite unnecessary to repeal this Act, and he hoped the Bill would be withdrawn, and that the Government would be able to deal with the whole question next Session, instead of leaving it in the hands of private Members.

MR. A. JOHNSTON said, he would not follow the right hon. Baronet the Member for Morpeth (Sir George Grey) or the hon. Member for Bury (Mr. Greene) in travelling over the whole question of the Game Laws, but would confine himself to the Bill before them, and would devote the few minutes during which he should trouble the House, chiefly to reviewing the arguments of the noble Lord (Lord Galway) who moved the rejection of the Bill. The noble Lord told them that there must have been "something in" the Bill of 1862 to force it through the House against the opposition of Lord Stanley, of the right hon. Gentleman the Member for Oxfordshire, and of almost every Member on the Ministerial Bench. He hoped to show what that "something" was. Again, the noble Lord described the Act as "a success." He hoped to show that it had been a failure. Were he to characterize the Act as he should like, he feared the right hon. Gentleman in the Chair would call him to Order; but he would say this—that in his humble opinion it was the worst piece of legislation that had passed this House during his life, because the only distinctly retrogressive Act in an advancing and enlightened time. Hon. Gentlemen opposite seemed to glory in it, but it was strange that they did not see that it was the cause of the outcry that existed all over the country about the Game Laws, and that from it had arisen the five or six Game Bills—more or less wild in his opinion—now before the House. One of these Bills would make game "property." He regretted to hear the right hon. Baronet (Sir George Grey) countenance this most foolish idea. How could that be property the proprietorship of which was to depend on its own volition? How could that be property, again, which no man could distinguish or identify? Of course Parliament might pass an Act making game property; but so Parliament more than once passed an Act declaring that a certain piece of paper should be worth a certain number of sovereigns. But did the Act make the paper worth the money? Not a bit of it. The people persisted in taking the paper for exactly what it was worth—not a 1*d.* more or less. Just in the same way they might pass a law making game property—but they would never get the English people to believe that wild animals were property. He had said he regarded the Act as a failure, and the only argument to the contrary that he had heard was, that it had decreased night-poaching in the vicinity of large manufacturing towns. Well, as to those who kept large heads of game close to manufacturing towns, perhaps it would be safer for him to keep to himself the expressions which rose to his lips; but he would say that he should like to place such men in the dock beside the high-spirited or ignorant lad whom they were the means of leading into trouble. Everywhere else the Act had worked badly. It had increased the rates for the purpose of promoting what the ratepayers most suffered by. He could not, of course, prove that the increased cost of the police from £600,000 in 1862, to £700,000 in 1870, was due to the operation of the Act; but it required no proof that they could not put additional duties on any body of men without either increasing their numbers and pay, or else decreasing their efficiency in the discharge of their former duties. The police were appointed and paid by the county magistrates; they were constantly under their eye and control—they were, it might be said, their servants. These same magistrates were, in the main, the preservers of game, so that when the House passed this Act, it became the interest of every constable to pay more attention to assisting gamekeepers than to protecting the property of the ratepayers. They would not have been human if they had not! This had been brought vividly before him by what he heard from a neighbour of his. He was up at two in the morning attending to a sick cow, and having done what was necessary, he went and looked over his fence into a small bit of very fine mangel, which was close to his house, and there saw, as he expected, a large number of his landlord's hares. He threw a stick at them, and they scampered away in a flock. A day or two after he met the parish policeman, who, to his surprise, asked him "Whether he was often up at two in the morning?" "Why, no!" "Weren't you up on such a morning?" "Oh, yes! after my cow." "Ah, I see yer, and see yer shy yer stick at the hares!" Why that man was tending those hares as a boy might tend sheep. He thought, then, that he had proved his first point, that the ratepayers paid, in one form or another, for the working of this Act. He next asserted that they suffered in another way—namely, that the amount of ground game—which destroyed their crops—had been greatly increased by it. ["No, no!"] Well, he said it had. Of course he could not give figures. Even if the right hon. Baronet succeeded in making game "property," he would not, he supposed, have a census of hares. But it was notorious in the parts of Suffolk that he knew best, that ground game had increased. In Norfolk he was aware it had gone down very much in the last two years, owing, it was said, to the healthy influence of the General Election. Hon. Gentlemen found that hares were very bad canvassers. He had promised to enlighten the noble Lord as to what the "something" was that forced the Act of 1862 through the House. He feared it was the desire of a large section of the then House of Commons to preserve a bigger head of game, and not at their own expense. Last winter, after a day's shooting, his keeper asked him to give two constables — who duly presented themselves — a hare a piece. He asked why. "Oh, sir, they are very useful to me." He thought at the time, and he thought now, that that simple expression spoke volumes, and he left the moral in the hands of the House. There was one other point he wished to avert to before he sat down; and he would ask, was not game preserving sufficiently fostered already by pecuniary exemptions, without laying additional burdens on the ratepayers? How about the coverts which harboured the game, and were hardly rated at all? How about the reduced assessment of "game farms," which increased the rates on all other land? He would ask the House to consider these points, and not to refuse a second reading to his hon. Friend's Bill.

MR. C. S. READ said, he hoped that an opportunity would be afforded, either this Session or early in the next, to discuss the whole question of the Game Laws. His own opinion was that truth lay, as was usual in such cases, between the two extremes—between those who were for the total repeal of the Game Laws and those who committed what he held to be the folly and injustice of a large and over-preservation of ground game. He had not the honour of a seat in that House when the Act now under consideration was passed; but he spoke against its passing whenever he had an opportunity, and he was of the same opinion still. He did not, indeed, think there was any great danger in intrusting the exceptional powers of this Act to the police, for though they were as a class ignorant men, yet they were under the direction of highly intelligent chief constables, who would take care that they discharged their duties with discretion, and, in fact, with a few exceptions at the beginning, those powers had been exercised with great moderation. He took objection to the police being employed in the preservation of game, because game paid nothing, or next to nothing, in rates and taxes. He did not think it desirable that the police should be assistant gamekeepers, though a poacher was an unmitigated rascal, who, if he could not fill his bag with the landlord's hares, would bag the tenant's cocks and hens or steal his sheep. Woodlands, where game was preserved, were not rated, except where there was saleable underwood; and, as a rule, it would be found that where the right of shooting was let to the tenant then game paid both rates and taxes; where it was let to a third party it was not assessed to the rates, but it was to the property tax; but where it was in the landlord's own hands it escaped both rates and taxes, and he believed it would also be found that where gentlemen sold their game they escaped the licence duty as well. If these lands were rated, as they ought to be—and he believed no Gentleman in that House who preserved game would object to that—a great deal of the present objection to the system would be removed. As to the hardship of the police searching a man for game, he believed that if that were conducted with discretion a great portion of the present objection would die away, because in seaching for game it often happened that several other crimes were discovered. But that was a question for the Government to deal with. The Government had brought in a Bill for Scotland which was not worth the paper on which it was written. That Bill ought to be withdrawn, and the Government ought to take a large and enlightened view of the whole question, if they would satisfy the country. Though he held that the present Motion was ill-timed, and that it was useless to press the question now, still, for consistency's sake, he would do in the House what he said he would do out of it, and vote for the repeal of the Act.

MR. BRUCE said, he was absent through illness when the Bill of 1862 was before the House. Had he been present he should have given his most determined opposition to the Bill, because it tended to increase the preservation of game, employed the police to assist in promoting that object, and exposed magistrates, however pure, to the imputation that they increased the county police in order to decrease poaching. But the question which the House now had to decide was, whether they would repeal the Act without considering the general subject of the Game Laws. He was bound to admit that he had received no complaints of the working of the Act. It might be true that the farmers objected to ground game, and to anything that might have a tendency to increase it; but they were well aware that they had derived a benefit from the action of the police under that Act, for in the suppression of poaching the pillage of farm-yards had in a great degree been prevented. There was also no question that the Act had had a useful effect in suppressing the worst and most violent form of poaching—that of night gangs. He should hesitate, therefore, to deal with one part of the subject without proposing remedial measures in another direction. He might be asked whether the Government were prepared with such remedial measures. Now, he must say that, however worthy this subject might might be to occupy the attention of the Government, he was not in any way pledged, nor was he aware that any other Member of the Government was pledged to deal with it. The Government had introduced a Bill with the view to settle the question as between landlord and tenant in Scotland, and at the solicitation of many hon. Members that Bill was afterwards made applicable to England; but it only had a limited operation. He felt great reluctance to deal with a question when he did not see clearly the principle on which legislation could proceed, and that was his difficulty here. He did not see that it was the duty of the Government absolutely to abrogate the Game Laws, and deprive game of protection. On the other hand he must admit that there were many evils resulting from the present system. He agreed with the hon. Member for South Norfolk (Mr. C. S. Read) that game was a proper subject for rating, and that woodlands now exempt should also be rated. But he feared that that, of itself, would be no solution of the question. Then came the suggestion of his right hon. Friend the Member for Morpeth (Sir George Grey). You might solve the question by making game property, and, undoubtedly, pheasants reared at great expense, and never leaving the land where they were reared, could hardly be called wild game, and might be considered almost as much the creatures of the law as domestic fowls. But other game was continually shifting from place to place; and it would be most repugnant to public feeling to deal with it as with ordinary property. By universal consent the taking of ordinary property was regarded as an act of felony; but who would be bold enough in this House to propose that the killing of a hare or rabbit should be treated as a felony? He shrank, therefore, from adopting that principle as a solution of the difficulty. All he could undertake to say on the part of the Government was that the matter should be taken into their serious consideration, with a view, if possible, to find some reasonable solution of these difficulties. He could not, however, promise to deal with the subject next Session, which was too heavily mortgaged already. He should have next Session to introduce a Licensing Bill, hardly less formidable than an Education Bill; to deal with the Metropolis; with the Pollution of Rivers—a question of vast importance; with the Inclosure of Lands, and, perhaps, with Turnpike Trusts. All these questions pressed for settlement. If, indeed, they were to take the remanets of the subjects mentioned in the Queen's Speech, there would be ample material to occupy next Session, and possibly the Session after. All that the Government could do under such circumstances was to make its selection of subjects. On this subject he could give no pledge, but he hoped meanwhile that his hon. Friend (Mr. Brown) would listen to the strong appeal made to him and not press the Bill to a Division. If the Act were so unpopular as the hon. Member described it, its continuance for a year or two longer would only add to its unpopularity, and its retention among the Game Laws would, he would suggest to the advocates of their total repeal, add strength to their case, and improve their chances of ultimate success.

Sir JOHN TRELAWNY said, he believed that the matter might long ago have been put on a footing which would have reconciled all conflicting interests—which would have satisfied the tenant-farmer and the demands of the public without inflicting any injury on the rights of property. Those rights must undoubtedly be protected, but how far was the principle to be carried? Mr. Charles Buller, when talking to him on the subject, said—"Do you think you have a right to hang your silver spoons on your trees?" This went to the root of the question. To what extent did the rights of property justify the preservation of game, and thereby the temptation of the poor? The speech of the right hon. Baronet (Sir George Grey) was a true specimen of the old Whig style. The right hon. Baronet had been long acquainted with the subject, for it had come before him as Home Secretary. Twenty-five years ago there was a Committee on this subject, and all the essential facts were elicited, yet the right hon. Gentleman deprecated an early treatment of the question without inquiry. The farmers of England were pressing for a settlement of the question. As to the Secretary of State for the Home Department he should remember that the House was not asked to pass a great measure, but to undo a bad measure—not to construct, but to destroy, which was a much simpler thing. The true Conservative was the hon. Member for Dorsetshire (Mr. H. G. Sturt), who deprecated the over-preservation of game, and recommended that tenants should be allowed to shoot it down. Battues were not true sport. The pleasure was in marking down your bird, or in following and bagging even a single jack-snipe, and the first thing a landowner should do after a day's sport was to send a brace or two of birds to the farmer. Hon. Gentlemen opposite ought to remember that game preservation had a considerable influence on rents, and that was one very important matter in the consideration of the subject. There was only one alternative for the landlords. If they insisted on having game they must lower the rents on the farmers.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 62; Noes 140: Majority 78.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

## SUNDAY TRADING BILL—[BILL 68.]

### [*Lords*.] SECOND READING.

Order for Second Reading read.

MR. T. HUGHES said, he rose to move the second reading of this Bill, which had come down from the other House. He would remind hon. Members that two Committees of this House had decided that there ought to be legislation on the subject, that the late House of Commons read this Bill a second time on three occasions, that it was read a second time last Session, that it had been in Committee twice, and that a Committee of the other House had also recommended legislation on the subject. The state of the question had been altered materially during the last four or five years. In the metropolis Sunday trading was governed by the Act of Charles II., which for some years no attempt was made to enforce, because it was supposed that Parliament would pass an intelligible law on the subject. But on the failure of the measure last year, the Lord's Day Observance Society held that the Act of Charles II. was all that was needed, and that it could be enforced; and last winter accordingly they endeavoured to enforce it, but every magistrate before whom a case had been brought had protested against the jurisdiction being forced upon him, and had declared that the Act was obsolete, and that it ought to be superseded by a reasonable Act, stating what were the necessaries which people ought to be allowed to buy on the Sunday morning. While some magistrates had imposed the penalty of 5*s*. prescribed by the Act, Mr. Mansfield last week set the example of ignoring it and imposing a fine of 1*d*., without giving costs. Soon after reading a report of this case he (Mr. T. Hughes) received one of the Lord's Day Observance Society's documents, which stated that the magistrates had met together and had virtually decided that the Act was sufficient, and was capable of being carried out. He believed that a more erroneous statement had never been made. He immediately wrote to a London magistrate, who replied that there had been no such consultation; that they could not refuse to enforce the Act so long as it was law; that the only thing would be to do it as mildly as possible; that he would do as Mr. Mansfield had done until it was decided by a superior Court that magistrates had no power to remit expenses; and that if he were in Parliament he would bring in a Bill to repeal the Act of Charles II., and to substitute a more rational enactment, laying down a clear and intelligible rule as to what was prohibited, and the hours within which it was prohibited. This was virtually what the 10th section of this Bill did as regarded the towns within its purview. It had become quite necessary with respect to a good many perishable articles that there should be facilities for obtaining them on the Sunday morning, and these the Bill allowed. If any objection should be taken to the hours limited they might be altered in Committee. The old Act prohibited the sale of anything but milk and bread; but within half a mile of that House there was held a great Sunday fair for the sale of rabbits, birds, dogs, clothes, ironmongery, and everything else. It was most dangerous to allow this to go on in known contravention of the law, because it weakened the old English reverence for law. The existing Act could not be worked; if it could, it would do substantial injustice; and therefore he proposed to modify it for the large towns. He would prefer to repeal it altogether, but he knew that there was a strong feeling in favour of it in Scotland, and, as he respected that feeling, he did not wish to provoke its opposition. As three successive Secretaries of State had admitted that something should be done, he trusted the House would assent to the Motion that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Thomas Hughes.*)

MR. P. A. TAYLOR said, he rose to move that the Bill be read a second time that day six months, and if it were in accordance with the forms of the House, he would say that day six years. The appearance of the Bill at the end of the Session might be compared to farce after comedy; but it was a harmless farce, for nothing ever came of it, and it was not supposed anything ever would. In the words of the Sunday Rest Association, many efforts at legislation had been frustrated by "a strange concatenation of circumstances;" the explanation of which was that there was a superficial and somewhat a fictitious agitation in the country, and Members consented to vote on the understanding that there would be no practical result. The fact was that Sunday trading was not on the increase, but was decreasing year after year. The evidence of Mr. Burcham, the magistrate for Southwark, on the Sale of Liquors Bill was that there was no need for legislation on the subject of Sunday trading. Indeed, the Sunday Rest Association admitted that there had been no increase of Sunday trading for 12 years. As for this Bill being a "very little one," that made it all the worse, for legislation should be based upon a principle applying equally to all classes. The hon. Gentleman (Mr. Hughes) dared not bring in a great Bill, because he knew that it would cause a riot in Hyde Park in less than a week. He (Mr. P. A. Taylor) took objection to the Bill *in limine.* It was ill-legislating by the rich for the very poorest—by Dives for Lazarus, and the Bill did not give Lazarus the crumbs, but diminished his comforts and lessened his power of subsistence. The Bishop of Gloucester and Bristol acknowledged that the Bill must interfere with the means of livelihood of a great number of the poorer classes; and that was enough to make the House pause. There was a great distinction between this Bill and a Bill for putting a stop to artizan labour, for this Bill interfered with that which did not involve wear and tear, but which was necessary, and was to some extent the amusement of the poor. Virtue in the shape of Sabbatarianism closed museums, libraries, and public gardens—the highest and purest amusement for the poor—on the Sunday; in the person of the hon. Member for Warrington (Mr. Rylands) it would stop the Sunday beer; by this Bill it would cut off shrimps, lollypops, oranges, and little luxuries, and when all this was done the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) would come in and stereotype the Sunday restrictions for every day in the year. There was a special attack in the Bill upon costermongers. Beverages and newspapers were excepted in the Bill; but last year it was periodical publications. The barbers were attacked in the Bill of last year. They were to go free now; but if a man wanted a clean chin it must be within certain hours, or he must unlearn the lesson that cleanliness was next to godliness. The provisions of the Bill, he maintained, were characterized by recklessness, pettiness, and inconsistency—for example, they would allow a cabbage to be sold in the morning, and cherries in the afternoon, and while they closed the tobacco shop they would allow tobacco to be sold at the beer-house next door. He was at a loss to know what there was in a population of less than 10,000 persons that the law should not be applied to them. If the Bill was petty, the penalties were not, for they were cruel and cumulative. His hon. Friend had referred to the magistrates, and what did they think of the existing law? Why, a certain number of them practically ignored it, and declared they would not inflict a punishment under it. But, as far as he had read, they had said nothing in favour of passing a moderate measure, such as that proposed by his hon. Friend. In one case a man was told he might, under an Act passed in the reign of William IV., open his shop on a Sunday for the sale of cooked meat; but that if he bought the meat in a raw state and took it home to cook, he then brought himself within the penal provisions of the law. The existing law was bad in other respects, and Sir Richard Mayne stated before the Parliamentary Committee that a considerable number of policemen were taken from the important duties of protecting life and property to watch public-houses on a Sunday, and that in general they had to say and do things to mislead in order to prevent persons from suspecting their purpose. On the other hand, it was said that people evading the law employed "touts" to watch the policemen, and one magistrate in a country town expressed his belief that the police took bribes, and winked at evasions. Laws opposed to public opinion or common convenience were sure to be evaded, and if this Bill passed people would smuggle into their houses articles they bought on Sunday, which would be taken from the shops, concealed under the buyers' garments. His hon. Friend said that he did not bring forward the Bill in a Sabbatarian spirit, but that he advocated it in the interest of the community, as it was desirable that all labour should, as far as possible, cease on a Sunday. They could sympathize with him in that feeling, but it was not possible that all should rest, and what was to be desired was that a few only should work in order that the great majority might rest. The greatest sinners, however, were the Members of that House, for probably there was not an hon. Member who did not employ two or three persons to minister to his own comfort on the Sunday. Those who sought to stop on Sundays the running of railway trains, to shut up post offices, and to pass the present Bill, were only seeking to relieve the few from labour on Sunday and to cast the greatest amount of sacrifice on the vast majority of the people. There was a sort of vicarious virtue for which he had little respect, and he opposed the Bill because, if the hon. Member for Frome and Lord Chelmsford were virtuous, that was no reason why the people should have no more "cakes and ale." Sunday trading was a necessity in the case of persons who were only paid their wages late on Saturday night, and who consequently had no opportunity except that afforded them on Sunday of purchasing provisions for themselves and families. He trusted that the House would throw out the Bill by a large majority. The hon. Member concluded by moving as an Amendment, that the Bill be read a second time upon this day three months.

MR. RYLANDS said, he rose to second the Amendment of his hon. Friend the Member for Leicester (Mr. P. A. Taylor), in opposition to this Bill, although he must guard himself by saying that he did not sympathize with some of the opinions which he had expressed. He would yield to no one in a desire that the working classes should be secured a day of rest in the week in order that they might have an opportunity for relaxation and self-improvement, and if he thought the Bill would prove efficacious in that respect, he would certainly not be disposed to object to it; but he was not prepared to agree that the provisions of the Bill were wise or proper. No doubt everyone required a day of rest in the week, and ought to have it. His own experience of the work in that House led him to be glad—and he was sure hon. Members would agree with him—that they had two days in every week—Saturday and Sunday—as days of rest. Certainly, if they wished to secure the moral, religious, and intellectual improvement of the working classes, they must guard their one day of rest from unnecessary infringement. He did not believe that the present Bill was at all likely to prove satisfactory. Why was it brought forward? His hon. Friend the Member for Frome (Mr. Hughes) gave, as a principal reason, that former Bills of a similar character had been introduced into Parliament, and that was no doubt the fact; Bills had been introduced in 1832, 1845, 1850, 1855, 1860, 1866, 1867, 1868, and 1869, but as none of them had passed, that circumstance was of itself a strong reason why the House should regard with suspicion a proposition rejected by several previous Parliaments. No doubt it had been felt that the proposed legislation was of an objectionable and impractical character. He scarcely knew upon what ground the hon. Member for Frome supported his Bill. It was not on Sabbatarian grounds, because it violated the principle of Sabbatarianism by absolutely legalizing and sanctioning the carrying on of certain trades and employments during several hours on the Sunday. He had been especially requested by the Lord's Day Observance Society to oppose this Bill. And although he was not prepared fully to adopt the views of the members of that society, he very much respected the motives that actuated them, and if a Bill were brought into that House absolutely prohibiting all kinds of labour on the Sunday, they would at least understand the principle upon which it was based; but no one proposed by legislation to carry out the extreme views of Sabbath observance by making penal every kind of labour on Sunday. There was another peculiarity about the Bill before the House. It was only partial in its operation, and excluded from its provisions all towns having less than 10,000 inhabitants. His hon. Friend the Member for Leicester seemed at a loss to imagine the reason for that exclusion; but his hon. Friend knew the reason perfectly well—they all know the reason—it was because the borough of Frome happened to have less than 10,000 inhabitants. If, therefore, the policy of the hon. Member was the right one, it should be applied everywhere throughout the country. Apart from the Sabbatarian ground, was there any justification on other grounds for the House sanctioning the Bill? Was it necessary on the lower ground of police regulations? Were there evils of such magnitude proceeding from Sunday trading as to justify exceptional legislation and heavy penalties for the protection of society? There was a trade carried on on Sundays which endangered life and property, which led to crime, public disturbance, and gross immorality. But this trade was especially exempted from the operation of the Bill. They would fine a poor girl for selling oranges in the parks, but they would allow the gin palace to open its doors and lure its hundreds of victims into vice and immorality. The Bill, in fact, dealt with petty transactions, and evaded touching the great evils of Sunday trading. It "strained at the gnat and swallowed the camel," and he would be ashamed of the House of Commons if it sanctioned such partial legislation. In considering the reasons for this Bill he had left out of view the fact that there was already an Act of Parliament in existence—an Act of Charles II.—which dealt with this question. The present Bill would leave the Act of Charles II. in operation over a great part of the country, and also partially in operation everywhere, and he believed the result would be great inconvenience in connection with magisterial decisions. The hon. Member said the Act of Charles II. was obsolete, and could not be enforced; but the fact was, it might be enforced if the magistrates were willing to carry it into execution; but no doubt they declined to enforce it in reference to offences which they did not think of importance. The Lord's Day Observance Society state that that Act "was still operative, and could be put in force with no greater exercise of effort than would be needed to enforce a law founded on the Sunday Trading Bill." His hon. Friend the Member for Frome spoke of that Act with much contempt; but why did he not propose its repeal? Simply because he knew that its repeal would give great offence to conscientious men in Scotland and elsewhere, who valued it as a declarative enactment on the part of the Legislature against any unnecessary labour on the Sabbath. He thought they might safely rest contented with that Act as it now stood. Lord Melbourne, when any difficult matter was submitted to him, used to say—"Cannot we let it alone?" And the same might be said in reference to that difficult and delicate subject of legislation. It appeared to him that they should try to check the evil complained of not by passing new Bills and imposing fresh penalties, but by spreading education, morality, and religion among the population.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Taylor.*)

Mr. J. G. TALBOT said, that the hon. Member for Leicester (Mr. P. A. Taylor) had stated that the evil which the present Bill was intended to remedy only existed in imagination. That was a strong statement. The hon. Member must have confined his walks to the fashionable portion of London. [Mr. P. A. Taylor explained that he said it had not increased.] No person acquainted with the condition of the poorer parts of London could doubt that Sunday trading existed to an enormous extent. Indeed, it was only necessary to walk over Westminster Bridge in order to see the traffic which was carried on during Sunday, and the same was the case in the neighbourhood of Bethnal Green. It was not merely shops for the sale of necessary articles that were kept open, but actual fairs were going on which would not be allowed on other days of the week. A statement appeared a short time back in *The Times* about the Sunday traffic in the neighbourhood of Shoreditch, and it was shown that at these fairs such "luxuries for the working classes" as birds, dogs, and mice were sold during the hours of Divine worship. What was sought to be done by the present Bill was to secure for the working classes in all great cities a day of rest, which everyone in that House desired to have for himself. He was not saying a word about the religious grounds on which that Bill might be supported. Enjoying, as he had done from childhood, the blessing of the day of rest, he felt pain at observing that numbers were debarred from its enjoyment. There was one class of persons most injuriously affected by the system of Sunday trading, and they were the servants of small traders, who worked early and late on every one of the six days of the week, toiling still later on Saturday evening than on other day; and who had, notwithstanding, to work till 2 or 3 o'clock on Sunday afternoon. On behalf of that suffering class he asked the House to pass the present moderate Bill. The hon. Member for Leicester had said that people bought their goods on a Sunday because wages were paid late on a Saturday; but did not the hon. Member know that wages were generally paid either on the Friday evening or on the Saturday afternoon? The fact was that some men spent in drink a great portion of their wages on Saturday night, and sent their wives to buy articles on the Sunday morning; so that, if Sunday traffic were put a stop to, the temptation to drink on Saturday night would be checked. Nothing could be worse than an Act of Parliament which magistrates cast a slur upon; and what was wanted was that the law should be put on a sensible basis, and that there should be means for enforcing it without vexatiously interfering with the wants of the people. The hon. Member for Warrington (Mr. Rylands) said that similar Bills had always been rejected by Parliament, but that was not a correct statement. The principle of the Bills had always been accepted by Parliament, and they were prevented from passing only on account of delays interposed by opponents. The hon. Member also stated that the promoters of the present Bill ought to have proposed to shut up gin palaces on the Sunday; but the Secretary of State for the Home Department knew very well what their fate would have been if they had attempted to deal with the licensing system; and the best answer to the combined opposition of the hon. Member for Warrington (Mr. Rylands) and the hon. Member for Leicester (Mr. P. A. Taylor) who opposed this Bill on such very different grounds, was *in medio tutissimus ibis.* One great argument in favour of the Bill was that, under existing circumstances, the minority were able to oppress the majority; because, as some persons would not close their shops on a Sunday, others felt compelled to keep theirs open. So much so was this the case that, though the principals of three large clothing firms at Shoreditch were willing to allow their *employés* to rest on the Sunday, they could not be persuaded to close their shops on that day, because each was afraid of his neighbours. At length all the three firms bound themselves by a bond to close on Sunday, and severally pledged themselves to pay £100 to the vicar and churchwardens of the parish, to be distributed among the deserving poor of the parish if they broke the engagement. The signataries to the bond were two Jews and one Nonconformist. He believed that, if the House passed the Bill, an act of mere justice would thereby be done to a great number of the industrious classes.

MR. M'LAREN said, he was opposed to the Bill because it contained so many exemptions that he was convinced it would not be possible to carry it into practical effect. Beyond this there were many exemptions which did not appear on the face of the Bill; they would be continually enlarged, and, in the end, would embrace so large a number of trades that their exemption would appear to be most unjust to the others. They could not prevent those who were deprived of a privilege which others possessed from agitating for its extension to themselves. Were they prepared to grant these exemptions from the operation of the statute? It had been said by the hon. Member for Frome that the metropolitan magistrates practically ignored the Act of Charles II. If that were so, the House might, when the Estimates came under consideration, take away a portion of their salaries, for their duty was to administer the law as they found it, and not to take upon themselves to repeal the law. He thought that the Bill, in the way he had indicated, would be productive of a great deal of evil; and, while he did not agree with the opinion of the hon. Member for Leicester (Mr. P. A. Taylor), he was quite as much opposed to the passing of the Bill as he could be, although it might be from very different reasons.

MR. T. CHAMBERS said, he could understand the argument that there should be no distinction between Sunday and the other days of the week; but the opponents of the Bill did not venture to put that forward, though it was the conclusion to which their speeches pointed. The law ought not to be set aside by police magistrates. So far from the measure being opposed to the feeling of the people, he was in a position to state that in Marylebone Sunday trading was felt to be a great public grievance; and though he was prepared to admit that the proposal was defective, because it did not deal with public-houses, he should not oppose the second reading, but rather hoped they might have the opportunity of amending it in Committee. The Bill would protect those who could not protect themselves. The real desire of the community was for some legislation, and the House of Lords having sent down this measure, it was their duty to pass what he considered a moderate measure, by way of experiment, on the subject.

MR. BRADY said, he looked upon the Bill as wholly inadequate for the purpose for which it was intended. If there was a necessity for dealing with the question at all, let the same law be applied to the luxuries of the rich as to the necessaries and comforts of the poor. He opposed the Bill because he thought it was unjust to the poor, and he believed it would be most injurious in its effects.

MR. BRUCE said, he was prepared to support the second reading, because he believed the principle of the Bill was in strict harmony with the public feeling on the matter. There could be no doubt that public feeling in this country was in favour of the decent observance of the Sabbath, and, at the same time, of giving reasonable facilities to the poor for obtaining that which was absolutely necessary. It was all very well to complain of magistrates not enforcing the present law, but an obsolete law not in harmony with the feeling of the country could not be practically enforced. This Bill, he thought, was a moderate one, in accordance with the public conviction, and supplied reasonable facilities for its enforcement. There were many large towns throughout England where there was no Sunday trading, and he did not see why there should be more difficulty in London than in other large communities in dispensing with it. He had received many deputations on the subject, and he was satisfied that the greater part of those who now broke the law would be very glad if it were so altered that there would be a reasonable chance of enforcing it. He believed that the form of bond which had been read by his hon. Friend opposite (Mr. J. G. Talbot) fairly represented the feeling of a vast number of persons in the metropolis who broke the law because their neighbours did so. For these reasons he should support this Bill, because he thought it would so amend the present law as to bring it in harmony with public feeling and conviction.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 109; Noes 64: Majority 45.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*.

## VACCINATION ACT (1867) AMENDMENT BILL—[BILL 126.]

(*Mr. Candlish, Mr. Serjeant Simon.*)

SECOND READING. ADJOURNED DEBATE.

Order for resuming Adjourned Debate on Second Reading [31st May] read.

MR. CANDLISH said, that his Bill was not intended to conflict with the principle of the Act of 1867, but was rather intended to strengthen the provisions of that Act. He believed that the construction put upon that Act by the Law Courts was never intended by Parliament when it was passed. It was a mere verbal accident that the penalties of vaccination were made continuous. Vaccination could only be enforced by taking the children out of the hands of the parents and giving them by force into those of the public vaccinator. He quite admitted that the feeling of the country was largely in favour of vaccination, and it was because he himself was in favour of it that he would mitigate the severity of the law as it had been construed by the Law Courts. His opinion was that even were there no law in favour of vaccination, 80 per cent of the population would have their children vaccinated; 10 per cent were apathetic on the subject, and were induced by the penalties of the Act to comply with it; but there was a class—honest, intelligent, and well-disposed—who altogether objected to such an operation, and would not be compelled to vaccinate their children by any penalty that might be imposed. Such persons were, in his estimation, entitled to what he might call a Conscience Clause in the matter. He was quite aware that it would be impossible for him to carry his Bill at this late period of the Session, and he would therefore withdraw it if he received an assurance from the Secretary of State for the Home Department that a Select Committee would be appointed early next Session to investigate the whole of this delicate and difficult subject. That there was some need of amendment of the present Act was proved by the fact that many conscientious people left the country rather than submit to its operation.

**SIR MICHAEL HICKS-BEACH** said, he had come down to the House prepared to argue against the Bill; but as it was not to be pressed, he would not adduce the arguments he had prepared. He would merely remark that if it were true that many people left the country rather than submit to have their children vaccinated, the country would be the better of their absence. The Bill before the House was, in his opinion, neither more nor less than a Bill which would sell indulgences to parents to break the law at the price of £3. When the Motion was made for a Select Committee he hoped reasons would be adduced to show that its appointment would not tend to check the action of the present system, which all who were acquainted with the results must regard as eminently satisfactory.

**MR. BRUCE** said, he did not understand that his hon. Friend who had brought in the Bill (Mr. Candlish) objected to the system of compulsory vaccination. What he said merely was that unfortunately, as was very well known, there were a number not only of poor and uneducated people, but of persons who ought to know better, who were opposed to vaccination, and, the penalties being very considerable, and, indeed, indefinite in their ultimate amount, it was difficult to administer the law when the victims became the objects of so much public sympathy. That was an administrative difficulty which it was the duty of Parliament to grapple with. He thought, therefore, that it would be well to appoint a Select Committee to consider the point, and if possible to suggest a remedy. He thought it was perfectly impossible for any reasonable man who considered this subject with our experience in England and our more recent experience in Scotland and Ireland—where small-pox was almost entirely got rid of—to doubt the beneficial results of compulsory vaccination. He was bound to say that there were subjects connected with vaccination which were well worthy of the consideration of a Committee, and the supply of good vaccine matter was one of them. He begged it to be borne in mind, however, that in moving for a Select Committee he understood his hon. Friend to have moved for it in the full determination to apply the system of compulsory vaccination. But whilst they agreed that this was desirable they should take care, in order to remove prejudice, that the application of the compulsory Act should be made in the manner that was most in accordance with the wants, wishes, and feelings of the people. Upon that understanding he would have no objection to the granting of the Committee.

**DR. LYON PLAYFAIR**: When this Bill was first brought in I did not see the objections to it which I do since I have studied it, and the reason for this is, that I thought it was introduced in the interests of vaccination, with the view of giving elasticity to a rigid compulsory law. But, finally, I determined to oppose it because its very existence implied doubt as to the justice and efficiency of the existing law. That doubt will be much increased by the course which the Government have advised the hon. Member for Sunderland (Mr. Candlish) to adopt—that is, to withdraw his Bill on the promise of a Select Committee to inquire into the operation of the compulsory law. This is a far more serious and objectionable course than that proposed by my hon. Friend. It indicates to the nation that there is something which justifies an inquiry, and shakes confidence in the protective power of vaccination itself. There is every reason why we should be satisfied with the results of our compulsory legislation, and none why we should give encouragement to ignorant agitation by a Parliamentary inquiry. I shall not detain the House above a few minutes in regard to the evidence already before us; but the new aspect which has been given to the question compels me to give a few statistical results to show that there is absolutely no ground either for hesitation or inquiry. Since Jenner's great discovery, there has been a progressive diminution of small-pox, and exactly in proportion to the increasing stringency of the law. Previous to the introduction of vaccination, the annual deaths from small-pox in England and Wales were estimated to be 3,000 per 1,000,000 of the population. In the three years before the first Vaccination Act of 1840, the Registrar General's Returns show a considerable reduction by the adoption of voluntary vaccination, for the annual average was then only 770 deaths per 1,000,000. That Act provided vaccination gratuitously, but its operation was not obligatory, and the average of its nine years' working was to reduce the death-rate to 304 per 1,000,000. Then came the compulsory Vaccination Act of 1853, which made it obligatory on a parent to have his child vaccinated, but unfortunately permitted a defective machinery to enforce the law; nevertheless, in the next 10 years, a short amending Act having been passed in 1861, the rate of mortality from small-pox sunk to 171 per 1,000,000. Before alluding to the last Act of 1867, I would refer to the intermediate Acts of 1863, which applied to Ireland and Scotland, and not to England. These were improvements upon the English Acts of 1853 and 1861, although they have defects inherent to themselves. The compulsion has been made universal, and has been accepted by both countries with very little resistance, and the results have been gratifying in the highest degree. Both countries previous to these Acts had in ordinary years about 1,000 deaths from small-pox, but in epidemic years these increased, especially in Ireland, to three or four times that number. Now small-pox may be said to be "stamped out" of both these countries; for in 1868 the mortality in Ireland was only 19 from this cause, and in Scotland, 24. In 1869, Ireland lost only four persons by this disease—all in the first quarter, for in the remaining part of the year there had not been a single death. Scotland in 1869 had unfortunately an epidemic of small-pox, and its mortality increased to 100. England, in spite of her Vaccination Acts of 1853 and 1861, lost still between 6,000 and 7,000 persons annually by this disease, and so in 1867 we passed the last compulsory Vacciniation Act, which it is the object of this Bill to amend. Well, its operation has been largely successful, though as yet it has not stamped out small-pox like the Scotch and Irish Acts. Nevertheless, the last Returns of the Registrar General show only 2,052 deaths, or at the rate of 105 per 1,000,000, our last ratio under the Act of 1857 having been 171. Hence, nothing is clearer than that the rate of mortality from small-pox has largely decreased in proportion to the force of every measure directed against it. Yet here we have a Bill before us for reducing the force. What can have led to a demand for such legislation? Exactly the same ignorance and prejudice which opposed Jenner in the introduction of his great discovery. Then, as now, associations were established to oppose vaccination. Though comprehensible in those days—as the discovery was one of startling novelty, and somewhat of a repulsive aspect, for the introduction of a disease from a beast into a man was calculated to raise prejudice; yet this prejudice was gradually overcome by the overwhelming evidence in its favour; and now, when, on a moderate computation, 80,000 lives are annually saved in the United Kingdom by its agency, it is really marvellous to find that there is a resistance to the compulsory law not in Scotland or Ireland, where the laws have been the most stringent and effective, but in England, where they have been the least stringent and the least effective. In all such resistance to law there are some grounds of valid objection, and though these in the present case happen to be very small, and connected with much that is purely fanciful, I am not disposed to treat them either with ridicule or disrespect. The objections taken against vaccination generally are shortly the following:—Firstly, that in some cases children are injured by vaccination; secondly, that loathsome diseases are communicable by it; thirdly, that the vaccine virus has lost its power, and is no longer protective. The only one of these which has truth in it is the first. Undoubtedly some children have suffered from the process of vaccination, just as some people have died from the administration of chloroform; but the proportion of injury to benefit is so infinitesimally small in both cases, that it vanishes altogether when looked at from a public point of view. Some of this injury may have, and likely has, arisen from the use of bad vaccine matter, deteriorated by defective preservation, or from taking it from the pustule, instead of from the vesicle; but the very object of the system of national vaccination is to provide proper lymph and skilful vaccinators, so that the recurrences of such accidental injuries will be reduced to a minimum. When I have admitted thus much, I have gone as far as it is possible for me to do. The averment that loathsome disease is communicable by vaccination is the main ground of opposition, but is contrary to nearly universal medical evidence, and to the results of actual and direct experiment. In 1857, the medical officer of the Privy Council, Dr. Simon, published an important Blue Book on vaccination. He addressed inquiries on this subject to 539 eminent medical men of all countries, and with scarcely a single exception they all rejected the statement that loathsome disease was ever communicated by means of vaccination. There are eminent medical men in this country who have vaccinated from 40,000 to 50,000 children, and they have never met with a single instance of such communication. Nay, more, direct experiments have been made in foreign countries—for happily our medical traditions would not permit them to be made in England—in which many children have been purposely vaccinated with lymph taken from Jennerian vesicles on the bodies of persons actually suffering from the loathsome disease, and in no case has it been communicated to the children thus vaccinated. Of course, I am aware of two instances—the Auray and the Rivalta epidemics—which are stated to have originated from this cause, but the evidence in both cases is inconclusive in the highest degree, and nothing analogous to them has ever appeared in this country. The third and last objection to vaccination consists in the allegation that the lymph has lost its efficiency by long descent, and that it no longer offers efficient protection against small-pox. I shall not trouble the House with statistics in refutation of this, though there is abundant experience to show that well-selected lymph is almost certain in its efficiency. The idea that it deteriorates in a long descent is as fanciful as would be the supposition that yeast deteriorates by passing through a long succession of brewings of beer. Both the vaccine lymph and yeast are individual existences, which are reproduced each time afresh with marked individual characters as precise and peculiar as a puppy is produced from a dog or a rose from the rose tree. However distant in genealogy vaccine matter is from the cow, it is as effective as in the first instance, if carefully selected and properly applied. With the teachings of science, and with the large practical experience acquired not only in Scotland and Ireland, but also in England, it is quite incomprehensible to me what is the justification for a Committee of Inquiry. That inquiry is not, as I understand, whether it is wise to sell vaccination indulgences to the prejudiced rich, and practically to exclude the prejudiced poor who could not pay 40*s*. for an indulgence, for such is really the safety-valve suggested by the Bill—a very heavily overweighted and dangerous safety-valve as I think it—but a general Parliamentary inquiry is suggested, though it will shake public confidence on the whole subject of vaccination. I know that it is useless to oppose an expressed intention of the Government on such a point; but, at all events, I can express my conviction as to the unwisdom of such a proceeding. Had we rejected the Bill, I believe that the working classes of England would have thanked us for not treating them in a childish exceptional fashion. When the working people of Ireland and Scotland are deriving such advantages from their Acts—when England sees that Ireland and Scotland lose scarcely a score of persons annually by this terrible scourge, she will not rest content to see 2,000 of her sons perish every year. Science, as well as practical experience, shows that though small-pox is the most terrible of all diseases, it is the one most surely preventible; and it is lamentable that any course taken by the Government should throw any doubt on the necessity and efficiency of our compulsory laws.

MR. GILPIN said, the opposition to vaccination was much stronger and deeper than was generally believed. He had presented a Petition from 1,650 inhabitants of Northampton against the compulsory clauses of the Vaccination Act. Some of these persons were suffering from penalties inflicted upon them for non-observance of the Act. These men were intelligent and sincere in their objection to vaccination. Some hon. Members opposite might think they deserved expatriation for their obstinacy; but he belonged to a people who had suffered banishment for conscience sake, and could understand a man preferring prison to doing to his children what he believed to be an injury. He was glad that a Committee was to be appointed.

MR. D. DALRYMPLE said, that if the speech of the hon. Member for Edinburgh and St. Andrews Universities (Dr. Lyon Playfair) were likely to be accepted with the authority it deserved, the appointment of a Select Committee would be undesirable; but the state of feeling in the country with regard to vaccination required an authoritative declaration from a Select Committee to disperse the unreasonable and unfounded dislike to vaccination prevalent in some parts of the country. He hoped the Government would see that a proper Committee was appointed, and that evidence from both sides was taken. Then he had no doubt that the present opposition would be removed, and the small-pox as effectually stamped out in this country as it had been in Scotland and elsewhere.

MR. BRADY said, that one great objection to vaccination was that it was injurious to the constitution; but the idea was unfounded, as was proved by the low death-rate in Ireland, where vaccination was more general than elsewhere.

COLONEL SYKES said, he was very much afraid that the announcement of the Secretary of State for the Home Department with regard to granting a Committee next year would have a most mischievous effect in the interim. It would strengthen the opposition which now existed to the Vaccination Act, would create doubt in the minds of many who now had no doubt, and produce a laxity in enforcing the Act which would be followed by a state of things similar to what was at present occurring in Paris, where as many as 212 deaths had occurred last week in consequence of laxity in enforcing vaccination. He would recommend the publication of a few facts upon the subject by the display of a handbill in shop windows to allay fears regarding vaccination, and he was of opinion that if the Registrar General would issue a circular showing the percentage of deaths from small-pox before and since the passing of the Vaccination Act, it would tranquilize the public mind.

MR. MITFORD said, he would remind the House that a Committee, presided over by the Secretary of State for the Home Department, had sat upon the subject in 1867. He thought it was unnecessary to appoint another.

MR. BRUCE said, that Committee did not take evidence upon the subject of vaccination.

MR. HIBBERT said, as a Member of the Committee spoken of, he could confirm that statement; the Committee confined itself to the clauses of the Bill referred to it. He thought evidence as to vaccination should be heard, and he therefore approved of the appointment of a Committee next year.

Order *discharged*.

Bill *withdrawn*.

### HABITUAL DRUNKARDS BILL.

On Motion of Mr. DONALD DALRYMPLE, Bill to amend the Law of Lunacy and to provide for the management of Habitual Drunkards, *ordered* to be brought in by Mr. DONALD DALRYMPLE, Mr. GORDON, and Mr. PEASE.

Bill *presented*, and read the first time. [Bill 197.]

### PEDLARS' CERTIFICATES BILL.

On Motion of Mr. Secretary BRUCE, Bill for granting Certificates to Pedlars, *ordered* to be brought in by Mr. Secretary BRUCE and Mr. KNATCHBULL-HUGESSEN.

Bill *presented*, and read the first time. [Bill 199.]

### VESTRIES (ISLE OF MAN) BILL.

On Motion of Mr. Secretary BRUCE, Bill to repeal an Act, intituled "An Act to alter the mode of giving Notices for the holding of Vestries, of making Proclamations in Cases of Outlawry, and of giving Notices on Sundays with respect to various Matters," so far as such Act relates to the Isle of Man, *ordered* to be brought in by Mr. Secretary BRUCE and Mr. KNATCHBULL-HUGESSEN.

Bill *presented,* and read the first time. [Bill 198.]

### PUBLIC SCHOOLS ACT (1868) AMENDMENT BILL.

On Motion of Mr. Secretary BRUCE, Bill to amend "The Public Schools Act, 1868," *ordered* to be brought in by Mr. Secretary BRUCE and Mr. KNATCHBULL-HUGESSEN.

Bill *presented,* and read the first time. [Bill 200.]

### SEWAGE UTILIZATION SUPPLEMENTAL BILL.

Bill "to confirm a Provisional Order under the Sewage Utilization Acts relating to the District of East Barnet," *presented,* and read the first time. [Bill 201.]

House adjourned at five minutes before Six o'clock.

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## HOUSE OF LORDS,

*Thursday, 7th July,* 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Magistrates, &c. Election (Scotland)* (187); Pier and Harbour Orders Confirmation (No. 2)* (188); East India Contracts* (189); Life Assurance Companies* (190); Settled Estates* (191).

*Second Reading*—Sale of Poisons (Ireland)* (149); Dividends and Stock* (159); Sligo and Cashel Disfranchisement (167); Prayer Book (Lectionary) (127).

*Committee — Report* — Magistrates in populous Places (Scotland)* (143); Wages Attachment Abolition* (141); Protection of Inventions* (142).

*Third Reading* — Ecclesiastical Dilapidations (No. 2)* (174), and *passed.*

*Withdrawn* — Children, &c. Protection (84); Metropolitan Regulations (85).

### CHILDREN, &c., PROTECTION BILL.

(No. 84.) (*The Marquess Townshend.*)

SECOND READING. BILL WITHDRAWN.

THE MARQUESS TOWNSHEND, in moving that the Bill be now read the second time, referred, in justification of the course he had taken in introducing these Bills, to his attempts in former Sessions to secure their Lordships' consideration for subjects which otherwise would have passed unnoticed. Among the measures he had introduced on previous occasions was one to repress what was now popularly known as "baby farming." He was not aware that the Government had resolved to take steps to remove this blot on our civilization, but, after the revelations that were taking place day by day in the public journals, it was impossible to deny the extent to which the murder of helpless infants was carried on. He had also endeavoured to provide protection for girls under 16 years of age from an unfortunate course of life, and a Parliamentary Committee had since reported in the same sense. Every day's experience confirmed his opinion of the necessity of legislation on these and kindred subjects. The present Bill enacted by the 1st clause, that the birch-rod only shall be used in punishing persons under 16 years age; the 2nd made it illegal to strike a child on the head or face, a practice on the part of schoolmasters, employers, and parents which sometimes led to fatal results. He was aware that any injury inflicted on a child was punishable as a common assault; but it was desirable that this particular practice should be specially forbidden by law. By the 3rd clause, masters or mistresses were forbidden to strike or to administer corporal punishment to any apprentice, servant, or person in their employ. The penalty for these offences was a fine of £5, and in default of payment two months' imprisonment.

*Moved,* "That the Bill be now read 2ª."—(*The Marquess Townshend.*)

THE EARL OF MORLEY said, that as he sympathized with the good intentions of the noble Marquess in bringing forward this Bill and the one which followed it, he regretted that it had fallen to his lot to appear to thwart his object. Last year a precisely similar Bill to the present was brought in, and what then took place certainly afforded no encouragement to bring the matter forward again after so short an interval. The opinion of the Government, and he believed that of their Lordships, was not in favour of legislation upon matters of such a trivial and minute character. He hoped, under the circumstances, that the noble Marquess would not press either of his measures.

Order for the Second Reading *discharged,* and Bill (by leave of the House) *withdrawn.*

## METROPOLITAN REGULATIONS BILL.

(No. 85.) (*The Marquess Townshend.*)

SECOND READING. BILL WITHDRAWN.

THE MARQUESS TOWNSHEND moved, that the Bill be now read the second time. He admitted that some of the details of this and his previous measure might appear trivial; but they dealt more or less with life or limb, and he hoped that on a future occasion they would have a more favourable reception. The 1st clause of the Bill imposed a penalty on persons throwing or dropping orange-peel, &c., on the footways, and though this might seem absurd and ludicrous as a subject for legislation, it was not many months ago that a young man became a helpless cripple through a fall from this cause. Dr. Lankester, though he recollected no fatal accident of the kind, informed him that very serious casualties occurred, and that it would be a service to the community to prevent the practice. Some of the hospital returns, moreover, reported a number of accidents yearly from treading on orange-peel, and one of the officials in the Registrar General's Department had lost his life in this manner. The Bill also proposed to check the practice of too rapid driving through the streets, owing to which many lives were lost in the course of every year; of the dangerous and improper practice of allowing females to go outside for the purpose of window-cleaning; and of placing flower pots in precarious positions. The 2nd clause provided some regulations as to crossing-sweepers; the 3rd forbade the shocking custom of retaining the corpses of deceased persons in rooms occupied by living inmates; and the last, imposed a penalty on persons conveying in public vehicles any person suffering from infectious disease.

THE EARL OF AIRLIE advised the noble Marquess to withdraw the Bill, as it was hopeless to initiate legislation for the metropolis in this House, since the wishes of the metropolis could only be properly ascertained through its representatives in the other House. If the noble Marquess indulged in the luxury of smoking, he would stand a very good chance of being "hoist with his own petard," for the dropping of the ashes of a cigar would be punishable under the 1st clause, which prohibited the throwing or dropping of peel, or any vegetable production. If everything which had been a cause of death was to be legislated on, he did not see where Parliament could stop.

Order for the Second Reading *discharged*, and Bill (by leave of the House) *withdrawn.*

## SLIGO AND CASHEL DISFRANCHISEMENT BILL.—(No. 167.)

(*The Lord Dufferin.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF GRANARD, premising that he had no personal connection with the borough, presented a Petition from the Mayor, Aldermen, and Burgesses of the borough of Sligo against the Bill so far as it sanctioned the disfranchisement of the borough of Sligo, and praying to be heard at the Bar by their counsel, agents, and witnesses, in support of the allegations of their Petition. The case stated by the Petitioners was this—They stated that they deplored the corrupt practices which had prevailed in their borough, but they urged that at the last election only 27 voters were shown to have bribed, 13 of whom were non-residents; and that though in 1865 the number of corrupt voters was 92, many of these had since died, and others had ceased to reside in the town. They objected to the innocent being punished with the guilty, and they represented that they themselves, and the 427 pure electors, had had no opportunity of a hearing, as the Commissioners, in the event of an application to them, would certainly have ruled that they had no *locus standi.* They therefore appealed with confidence to the rule of their Lordships' House, that on a Bill of Pains and Penalties, the parties against whom it was directed should be allowed a hearing. This was the ground taken by the late Lord Campbell, and by the noble Lord the Chairman of Committees, in the case of St. Albans, and, after a debate in which the latter noble Lord (Lord Redesdale) stated that the uniform practice was to hear by counsel Petitioners who presented themselves in a *bonâ fide* manner, it was decided that the Petitioners should be heard. This was also done in 1844, in the case of Sudbury. It was true that as regarded

Lancaster and Great Yarmouth the Petitioners were not heard; but in those cases the Petitions were presented very late in the Session, when it was necessary that the Representation of the People Bill should be passed with as little delay as possible. Moreover, in those cases no Peer proposed that the Prayer of the Petitioners should be acceded to. Beyond this the present Petitioners contended that the disfranchisement of their borough would be an infringement of the Act of Union. Now, of course it was competent for Parliament to repeal or modify any portion of that Act; but, considering that it was the great legal obstacle to a separation of the two countries, any unnecessary interference with or slight upon it would furnish an argument to those mischievous persons who advocated its repeal. Although 500 freemen of Dublin had been found guilty of corrupt practices there had been no idea of disfranchising the whole body. He hoped that under the circumstances their Lordships would give the Petitioners a hearing before disfranchising one of the few mercantile constituencies of Ireland, a rising town with a large and increasing trade.

The Petition having been read,

LORD DUNSANY asked, whether it was not beneath the dignity of Parliament to punish the retail bribery of Sligo and Cashel, while they overlooked the wholesale bribery carried on all over Ireland at the last Election by astute legal gentlemen desirous of promotion to the Judicial Bench. The consideration with which these gentlemen purchased the rural constituencies was not their own money, but their landlords' land, or at least a good slice of it. Parliament ought not to pass over the proceedings at Longford, where the people were steeped in whisky for three weeks by the agents of the candidate, and other flagrant and dangerous cases, in order to punish bribes of a few shillings.

THE LORD CHANCELLOR answered that it was no valid defence for Sligo and Cashel to say that there were other cases as bad or worse. When the latter came before the House they would doubtless be dealt with as their merits demanded. Parliament had established a tribunal which was supposed to work effectively for the investigation of corrupt practices. If the Judge who tried the Petition reported that such practices had extensively prevailed, a Commission might, on an Address to the Crown by both Houses, be appointed to inquire into the details. This had been done in the case of Sligo and Cashel, and would have been done in the case of Dublin, but for the objection that the Judge had only reported corrupt practices to have extensively prevailed among a particular class of voters, in consequence of which Dublin had to be dealt with in another way. Under these circumstances, Parliament ought to act upon the Report of the Commissioners, unless there was reason to believe that the Report was not justified by the evidence. Now, nobody could doubt the prevalence of corruption in these two boroughs. At Sligo in 1860 one of the candidates spent £800 or £900 in bribery, and the successful candidate afterwards distributed £500 a year among the charities of the borough. In 1865, 91 electors out of 372 were bribed; and in 1868 one candidate spent £4,028, the object of which in so small a borough might easily be conjectured. Their Lordships would probably think it both unnecessary and unadvisable, the matter having been fully investigated by a competent Court, to hear counsel at the Bar. What the Petitioners should have done should have been to take steps to repress these disgraceful proceedings.

LORD REDESDALE said, that counsel might be heard either on the second reading or on going into Committee; he thought it desirable that the Bill should be read a second time, and that then a Motion should be made to hear counsel. It was quite consistent with the practice of the House to hear counsel against a highly penal Bill like this, when petitioned by the parties affected; and he should, therefore, vote in favour of that course. He did not, however, see how the Bill affected the Union, for the principle of that Act was that Ireland should have a minimum number of Members, and he understood that even if these seats were temporarily vacant, Ireland would have a larger number of Members than was stipulated for in the Act of Union.

THE MARQUESS OF CLANRICARDE agreed with the noble Lord (the Chairman of Committees) that it was the invariable practice of their Lordships to treat these as Bills of Pains and Penalties, and never to refuse to hear counsel.

LORD GREVILLE said, he could see no similarity between Sligo and Cashel and the county of Longford, which he had had the honour of representing. It was true the Member for that county was unseated for treating; but the fact was that, owing to the intimidation and extreme violence resorted to by the other side—bands of men with firearms going through the country at night, threatening death to anyone who voted for a certain candidate—the friends of that candidate were obliged to organize bodies of non-electors in order to protect the voters at the poll. This, the Judge said, was perfectly legal; but the refreshments given to these men were partaken of by some electors, and he was therefore obliged to unseat the Member, though he refused the Petitioners their costs. At the last election there was a combination of Fenians, Repealers, and Tories, for the purpose of preventing the return of the successful candidate; and had there been the slightest ground for a Petition one would have been presented, but the return had not been petitioned against. Longford could not, therefore, be fairly classed in any respect with these corrupt boroughs.

LORD COLCHESTER said, that at the Sligo election undue influence was exercised on the part of the Roman Catholic Bishop and clergy, as was stated in the Report of the Commissioners, against the Conservative candidate. As regarded the question of justice to Ireland with respect to the number of representatives, he would remark that two years ago a number of small English constituencies were disfranchised for the purpose of giving additional Members to Scotland. It was intended that the small Irish constituencies of Cashel, Mallow, New Ross, and Bandon should be disfranchised also, but the proposition was then abandoned. He hoped that these small places would be disfranchised, and their representatives transferred to larger constituencies.

Petition *ordered* to lie on the Table.

LORD DUFFERIN, in moving that the Bill be now read the second time, said, its object was to disfranchise two important boroughs in Ireland; and though their Lordships would naturally feel pain in considering such a proposal, he thought they would be of opinion that the Government could have pursued no other course. To justify the step taken it would be sufficient to refer to the Preamble of the Bill itself, which stated that the Judges appointed to try Petitions under the Parliamentary Elections Act had reported that bribery and corruption had extensively prevailed at the last elections at Sligo, and that there was reason to believe that it had also extensively prevailed at Cashel; that, therefore, Commissioners were appointed to inquire into the existence of such corrupt practices, and that these Commissioners reported, as regarded the borough of Sligo, that corrupt practices had extensively prevailed there at the elections of 1860, 1865, and 1868; and as regarded Cashel, that in 1865 the election was conducted in a corrupt manner on the part of one of the candidates, and, in 1868, on the part of both. The Commissioners were persons who commanded the respect of the people of Ireland, and no person could object to their finding. If, however, any confirmation of their opinion were required, it would be found in the expression of Judge Keogh, who said that the measure of corrupt practices was full at Sligo, and especially so in reference to intimidation.

*Moved*, "That the Bill be now read 2ª."—(*The Lord Dufferin.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Then it was *moved*, "That leave be given to the said Petitioners to be then heard as prayed."—(*The Earl of Granard.*)

THE LORD CHANCELLOR trusted their Lordships would consider the consequences that would ensue if they assented to this Motion. Bridgwater and Beverley had been dealt with without hearing counsel, and the House had decided in the case of Great Yarmouth not to accede to a Motion very similar in character. Their Lordships should consider, too, what enormous expenses the hearing of counsel would entail upon the parties; a matter of little moment, perhaps, to a gentleman who would spend £3,000 or £4,000 among 500 electors, but of great moment to others.

LORD REDESDALE remarked that no application to be heard by counsel had been made in the case of Beverley and Bridgwater; but where such an application was made, the practice to grant a hearing had been invariable.

LORD DUFFERIN said, that when the whole case had in the first place been amply considered by a Judge specially deputed to the duty, and had since been examined into by a Commission, a third inquiry could hardly be deemed anything but unreasonable. On behalf of the Government, therefore, he opposed the Motion.

EARL STANHOPE said, he could not agree with the noble Chairman of Committees, who appeared entirely to overlook the fact that the course he recommended applied to a former state of legislation, before a change had been made in the law applicable to the trial of Election Petitions. He had looked into the evidence of the Sligo inquiry, and pronounced it a shameful case. It would be to him a matter for deep regret if the Motion were agreed to. He hoped their Lordships would reject it by a great majority.

THE MARQUESS OF CLANRICARDE asked whether it was to follow as a matter of course that the result of an inquiry by a Commission should be ratified by the House? If so, and the Commissioners were to exercise a practical power of disfranchising boroughs, the law had better be altered and their power expressly defined. At the same time he would point out that no one had said one word in behalf of these boroughs—all the authoritative statements had been in the nature of attacks; and he had no doubt that, if counsel were heard, the result would not be altered. The Bill was a Bill of Pains and Penalties, and in all such cases the parties should be heard in their defence if they desired it.

LORD LYVEDEN said, this was a case which should be decided by precedent, and their Lordships should have time to see what had been done in similar cases before coming to a decision.

LORD CAIRNS pointed out that the Petitioners in no way controverted the facts of the case as set forth in the Report of the Commissioners—they only reasoned upon the facts as found at the inquiry; and he thought their Lordships were fully as capable of judging of their purport as any learned gentleman that might appear at their Bar.

On Question, *Resolved in the Negative.*

## PRAYER BOOK (LECTIONARY) BILL.

(*The Lord Chancellor.*)

(NO. 127.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that the measure was founded upon the Report of a Commission which had been appointed to consider in what manner the Lectionary or Table of Lessons in the Prayer Book might be revised. The Commissioners had recommended that a new Table should be substituted for the Table now in use. From the earliest dawn of the Reformation it had been thought an object of the first importance that the people should become well acquainted with Holy Writ, and accordingly it was found that in the first Prayer Book of Edward VI. passages from the Bible were appointed to be read daily throughout the year, in such a manner as to secure that the greater part of the Holy Scriptures should be heard in the course of the year by those who attended church daily, in accordance with the then custom. The use of the Prayer Book having been suspended in the reign of Philip and Mary, was resumed in the reign of Elizabeth, when the Lectionary was revised by a Commission appointed by that Sovereign. The Lectionary was again revised in the year 1662, at the time of the passing of the Act of Uniformity. Those were the only two occasions in which such a revision had been made, and the course of readings was then appointed as it now appeared in the Prayer Book. It had been objected by many persons to the existing arrangement that many chapters from the Apocrypha were appointed to be read, on the ground that these Books were not part of the Holy Writ, and that however useful for example of life and instruction of manners, they were such as no sort of doctrine could be founded upon. It had further been objected that the Lectionary excluded some Books which ought to be included, and included others which ought to be excluded; that the length of the various

Lessons differed very much; that the Lectionary had appointed the Epistles alone to be read at the afternoon service throughout the year, to the exclusion of the Gospel and the Acts of the Apostles, so that those who could only attend the afternoon service never had an opportunity of hearing the two latter portions of the New Testament read. The Commissioners, turning their attention in the first place to the Apocryphal Books, had recommended that the number of chapters taken from that part of the Bible should be reduced from 132 to 44. They further recommended that chapters should be read from the hitherto excluded two Books of Chronicles, which contained most interesting and important matter not to be found elsewhere, showing the Kings—who in the Books of Kings were described as being in the midst of their sins—as deeply repentant of their evil doing, and containing the magnificent description of David's preparation for building the Temple, and the glorious display of national feeling called forth on that occasion, which had formed the subject of one of the finest anthems in our cathedral service. Chapters were also recommended to be read from Revelation, which Book was not made use of in the Lectionary, and also from Ezekiel, also not read at the present time. The extreme variation in the length of the Lessons had been remedied; and the verses arranged so as to include the whole of one subject, arbitrary division into chapters being disregarded where necessary. By the new Tables the whole of the New Testament would be read through twice in the year by those attending daily service, the Gospels and the Acts being taken in an afternoon through one-half of the year, and the Epistles during the remainder. Proper Lessons were appointed for the Morning and Evening service of each Sunday throughout the year; for the Evening Service alternative Lessons were appointed which might be read at the discretion of the minister. The Table of Lessons revised according to the Report of the Commissioners had received the approval of the Convocation of Canterbury and of a Committee of the Convocation of York. It had been before the public for some time without any adverse opinion being expressed. He hesitated for some time to propose the second reading, because he understood that the Commissioners were about further to report upon Ritual, which might involve some change in the Rubrics; but he found on consideration that there was no necessity for postponement on that account, as the Calendar could be obtained in a separate form. The object of the work which the Bill would carry into effect was to bring before the minds of the people those parts of Scripture which were the comfort of Christians, and as the result he hoped the Gospel would be continuously preached to the great happiness and contentment of the English Church.

*Moved*, "That the Bill be now read 2$^a$."—(*The Lord Chancellor.*)

THE EARL OF SHAFTESBURY said, he must admit that this new Table of Lessons was, on the whole, a very considerable improvement on the one at present in use. In the preparation of the new Table a great many portions of the Apocrypha had been left out—he regretted that the sub-Committee Commissioners had not gone a little further and struck out the Apocrypha altogether. Portions of it were still appointed to be read on certain days. He thought they ought to be struck out, because the great mass of the people were not likely to discriminate between what was read as revealed truth and what was read only for example of life and instruction of manners. He thought that, if these passages were not excluded, at any rate discretion might be given to the minister to read some other Lessons. There were some other matters in connection with this work to which he must make objection. In the first place, why was the new-fangled term "Lectionary" given to the Table of Lessons? That term was not to be found in any of our works on theology or divinity, or in any edition of the Prayer Book. In *Webster's Dictionary* he found this explanation of the word—"Lectionary.—The Roman Catholic service book, containing portions of Scripture or lections." In *Walcott's Sacred Archæology* he read—"Lectionary. — The book containing the Epistles and Lessons read at Mass." He thought they had quite enough of Popish matters and expressions in connection with their Church without the introduction of this word "Lectionary." Why should not the old term "Table of Lessons" be retained? This Bill was presented to their Lordships' House "with the approval of Convocation." His noble and learned Friend on the Woolsack said that this was merely the recital of a fact. He (the Earl of Shaftesbury) did not see why a fact should be recited which was of no importance, and why a Parliamentary status should be given to the act of Convocation by bringing that body and Parliament into conjunction. At best the fact alluded to by his noble and learned Friend was an incomplete one. He was informed by ecclesiastical lawyers that no act of Convocation could be considered valid unless the subject-matter of it had been referred to Convocation by the Crown, and the decision of Convocation thereon had received the approval of the Crown. Then the Act became an integral act of Convocation. But in this case no such course had been pursued, and therefore the "approval" of Convocation was, in itself, an imperfect act. In fact, when this Lectionary or Table of Lessons came down from the Upper Chamber to the Lower Chamber, the numbers were evenly divided, 34 to 34, and the approval was only carried by the casting vote of the Prolocutor. He believed there would be strong objections to the introduction of these words in the country. Now, to examine this Lectionary was a difficult task, and one requiring time of a Committee of the Whole House. There were 15 pages of close and small figures, so that to refer to all the changes would not be easy within the limited time, and they must therefore accept it or reject it bodily. There were, however, many difficulties to be explained—he would just take two. First, he found that the 10th chapter of Joshua, verses 1 to 14, had been taken from the Lessons to be read on Sundays, and placed among those to be read on weekdays. Now, those verses contained the account of the miracle of the sun standing still, hitherto read on Sundays before the whole congregation. This change would prevent hundreds of thousands of people from hearing that portion of the Scripture read in church. He should like to know if there was any good reason for the alteration. Again, in the proper Lesson of St. John the Evangelist's Day, there was the 13th chapter of the Gospel of St. John, from the 23rd to the 36th verse. Of necessity one must go on to the 38th verse; otherwise the sense was incomplete. There was no end of the objections from the clergy, and he had presented a number of Petitions, including the Petition of the Church Association and its branches at Birmingham, Malvern, Clithero, and other places, praying that further time might be taken, and that no further progress might be made with this work until the Ritual Commission had finally reported. He should be sorry to threw any impediment in the way of this work, but one or other of two courses must be adopted by their Lordships when they got into Committee on this Bill. Either they must take the work as a whole, putting such confidence in those who had executed it as he did not like to put in any man or any body of men, or they must discuss it step by step and detail by detail. While admitting the improvement that had been effected, he thought this new Table would require more consideration than it would be possible for their Lordships to give it in its passage through that House.

THE BISHOP OF GLOUCESTER AND BRISTOL, as senior member of the sub-Committee to which this work had been entrusted, wished to assure their Lordships that the greatest pains had been taken with it which it was in the power of earnest men to bestow. Their labours had extended over nearly two years, and he thought they had held between 40 and 50 sittings. The Committee commenced by considering the various schemes submitted to them. They then laid down certain general principles on which they proposed to act; and, owing to their having done so, they had been able, fortunately, to arrive at the conclusions which had been so clearly stated by the noble and learned Lord on the Woolsack. The Committee went carefully into details. These they considered a second time. They then submitted the result of their labours to a General Body, which offered them many suggestions. The substance of what now appeared in the body of the Bill before them was then communicated by the General Body to the Archbishops and Bishops of England, to the Deans of cathedral churches, and to the Professors of Theology in the Universities of Oxford, Cambridge, Dublin, and Durham. From those very learned and distinguished men they received a great many valuable suggestions. The Committee then recommenced a series of sessions, and considered every one of the papers and suggestions placed before them by the learned persons whom they consulted. Having accepted some of these suggestions, and felt it their duty, for reasons which seemed to them valid, to decline to adopt others, they then finally brought the whole subject before the General Body: several further amendments were made, and the success obtained by their humble efforts was indicated by the fact that the third Report bore the signature of all the Commissioners. Sir Joseph Napier alone appended a note to his signature, stating that he thought the Report should not have been presented until the inquiries into all the other matters referred to in the Commission had been completed. These facts would show the care, at least, with which this important subject had been treated. He had to thank the noble Earl (the Earl of Shaftesbury) for the very kind spirit in which he had spoken of their labours on a matter which certainly did give rise to great difference of opinion. With regard to the Apocrypha, they knew quite well that there was the greatest possible diversity of opinion with respect to its use; from that cause it would be impossible to obtain perfect unanimity upon any course that could be proposed—it was utterly impossible to yield to the wish of one party, and exclude the Apocrypha altogether, without wounding the feelings of very many serious men. The Apocrypha had been long read in the churches, and its complete removal would, he believed, greatly hurt many consciences. He would frankly own, however, that the Committee had thought it very desirable to reduce the Apocrypha very considerably, and they had done so, retaining only those parts in which instruction in godly life and manners was particularly set forth; while Tobit and Judith and the so-called historical books were omitted. He passed to the use of the word "Lectionary," in behalf of which he really had not a word to say. It was really a very innocent word, and only intended, he believed, to express comprehensively the meaning of the two or three words "Table of Lessons," now used to express the same thing. That he might allay all anxiety on that head in the mind of the noble Earl, he might say that the word "Lectionary" did not appear in the Schedule and would not be incorporated in the Book of Common Prayer. In the Schedule—the part of most importance—they would find the words "Revised Table of Lessons Proper for Sundays and Holydays." With respect to the approval of Convocation, in the presence of the distinguished President of the Northern Convocation it would not become him to say one word as to the course taken by the latter body. But to remove misapprehension, he might say that in the Convocation of Canterbury, when the question was put whether Convocation should enter in detail into the Table now contained in the Schedule, and discuss it part by part and recommendation by recommendation, or whether they should assent to it as a whole, there was some division of opinion on the point; and when the main question was put that the Lectionary should be approved, it was accepted with great heartiness and a large amount of unanimity. The noble Earl (the Earl of Shaftesbury) had taken exception to their treatment of the 10th chapter of Joshua. It was true that in that chapter there was the important miracle to which the noble Earl had referred; but the miracle occupied only three isolated verses of a chapter containing about 40 verses. That chapter did not, he thought, tend greatly to the edification of any congregation. Its whole burden turned upon the judgments of God as they were carried out by one of his appointed servants, and from beginning to end it told of slaughter and extermination. The 40th verse, which seemed to be a summary of the entire chapter, ran thus—

> "So Joshua smote all the country of the hills, and of the south, and of the vale, and of the springs, and all their Kings; he left none remaining, but utterly destroyed all that breathed, as the Lord God of Israel commanded."

He could not think that a chapter which spoke of that great extermination so fully and copiously, could altogether be so suitable for edification as other chapters. They had, however, introduced from the same Book of Joshua two or three miraculous circumstances which did not find a place in the ordinary Sunday Lessons, including the miraculous overthrow of the walls of Jericho and others. Therefore, the omission of which the noble Earl complained had not been made on account of any supposed difficulty connected with a miracle. With regard to the lesson read on St. John's

Day, from the 13th chapter of the Gospel of that Apostle, it began at the 23rd verse of the chapter because that verse brought at once upon the scene the Evangelist who was commemorated on that day. And how did that lesson terminate? Why, with this verse—

> "By this shall all men know that ye are My disciples, if ye have love one to another."

St. John had been regarded as more especially and emphatically the Apostle and preacher of love; so that a more appropriate ending for the lesson than the verse he had just quoted could hardly be chosen. If they turned to the three verses which the noble Earl wished to be added, it would be seen that they dealt with an entirely distinct subject. Those three verses described how Simon Peter said to our Lord, "Whither goest thou?" and they terminated with our Lord's declaration that Simon Peter should deny Him thrice. He repeated that the Commission had earnestly sought all the information and advice they could obtain on this subject; and, having done so, they had acted upon it to the best of their ability and conscience.

THE ARCHBISHOP OF YORK rose merely to say a word with regard to the action of the Convocation of the Northern Province in this matter. The Bill now under discussion contained a great mass of detail drawn from every quarter, and embodied them in a Schedule which was termed a "Lectionary." Now, it was a very important fact, and worthy to be set forth, that the Convocation of Canterbury had accepted this "Lectionary," so called; and it was also a fact worth noting, as far as it went, that the Convocation of York could not properly be said to have accepted the "Lectionary." That Province not having been aware that the subject would be brought forward this year, had appointed a Committee to consider it. The Committee had gone a step further—they had drawn up a Report which, contrary to the usual practice, he had taken upon himself to publish in the newspapers, in order that attention might be called to the subject. He had not received any dissent from a single member of the Convocation. Practically therefore, if not formally, the Convocation of York might be said to have agreed to it. He could not help thinking, therefore, that it was a wise thing to recite in the Preamble that it had, in a certain way, received the sanction of the Church. He accepted the great change proposed, because it had been before the public a sufficient time, and had commanded a great degree of approval. The Act would commence its operation with the First Lesson on the first Sunday of next Advent; but it would be only right that a clause should be introduced providing that there should be no penalty for non-compliance with the Act, for, at least, a year afterwards. They had to deal with a great number a rural parishes into which the Act would not penetrate for, at least, that time. He believed the change proposed would be of very great benefit to the Church, and that it was much to be desired.

LORD DYNEVOR agreed with the noble Earl (the Earl of Shaftesbury) in regretting that the Apocrypha had not been omitted altogether. On many grounds it was objectionable that it should be bound up with the Bible, as it was no part of God's Word. Its omission would have conciliated the Nonconformists, and would be a great step in advance if ever there was to be an union between Churchmen and their Protestant brethren in England. At the same time he must express his very great gratification at the change that had been made.

THE BISHOP OF LINCOLN said, he was persuaded that the recital that this subject had received the sanction of the Convocation of the Province would go far to promote the use of this Table of Lessons in our churches, and to relieve the consciences of the clergy; he was therefore very thankful to their Lordships for having inserted those words in the Preamble of the Bill. If the noble Earl (the Earl of Shaftesbury) would have the goodness to refer to the Preface prefixed to the Book of Common Prayer—written by one of his own predecessors in the See of Lincoln, Bishop Sanderson—he would see that in our present Prayer Book a similar deference was paid to the authority of Convocation in settling the Liturgy. As to the Apocrypha, if the noble Earl would refer to the Thirty-nine Articles in the Book of Common Prayer he would find it there stated in the Sixth Article that the Church does read those Books, the Apocrypha, not for the purpose of proving any dogma, but for "example in life and instruction in manners." With regard to a remark which had fallen from the noble Lord who had just spoken, he was persuaded that though by the exclusion of the Apocrypha something might be done to conciliate a small portion of the community, a far greater portion would be alienated if it were made one of the conditions of union that the people should no longer have the Apocrypha in the Bible. Besides, they would find it impossible to disseminate Bibles on the Continent if they excluded the Apocrypha. One of the great objections made by Roman Catholic divines already to the circulation of our Bible without the Apocrypha, was, that our Bible was a mutilated one, and did not contain portions of that which had been accustomed to be read in churches from the earliest times.

Lord EBURY expressed his objection to the recital in the Preamble that Convocation had given its consent as a reason for passing an Act of Parliament.

The Earl of HARROWBY addressed the House shortly; but his observations were not heard.

The Bishop of LLANDAFF denied that Convocation made any such claim as that which the noble Lord (Lord Ebury) had charged it with having made. It was, no doubt, a source of great satisfaction to many clergymen and laymen to know when ecclesiastical matters had received the approbation of Convocation, and therefore it was impossible not to feel that the reference made in this Bill had been introduced in the kindest possible spirit. Considering the immense number of figures and details in this Schedule, it would, of course, be impossible to expect unanimous approval. He was, however, gratified to find how much of good was felt to be attached to the Bill and how little of evil was attributed to it.

Earl BEAUCHAMP said, that having been a member of the Ritual Commission, he had taken part in the deliberations which ended in the preparation of the revised Schedule with great anxiety, and certainly with a strong predisposition against change. All objections, however, had been fairly and patiently considered. With regard to the Apocrypha, the Commissioners felt that if it had been removed from the Table of Lessons very great disturbance to the Church would have occurred. The Lessons selected from the Apocrypha were not read on Sundays, though they were formerly read upon holy days in some instances. When, therefore, it was said that their being read in a sacred place where the Bible was read would give rise to misconception in the minds of the poor, he did not think that those of the clergy who objected to its being read were extensively in the habit of engaging in daily service; so that their objection was one rather of theory than of practice. There might be other objections to the reading of the Apocrypha, but this particular one had, he believed, very little weight in it. So much had been said upon the subject-matter of the Apocrypha that he could not help saying it was, in his opinion, admirably qualified for the purpose it was intended to serve. The poor might have some difficulty in drawing conclusions from some of the Lessons out of the Old Testament; but they could have none in understanding the pictures of life and manners as contained in the Apocrypha; while some portions were calculated to be of great benefit to the rich and poor alike. He earnestly hoped that the result of this change in an important branch of the service of the Church of England would fulfil the designs of its promoters and carry out the objects which had been sketched by the noble and learned Lord on the Woolsack.

The Bishop of LICHFIELD wished to draw the attention of their Lordships to the effect this measure would have on colonial dioceses. It was a fundamental principle of the Church in New Zealand not to assume any power to alter any of the formularies of the Church of England; but it was competent for them to accept any alteration which should be agreed upon by Parliament and Convocation, and he therefore thought that the words objected to had been most judiciously inserted in the Preamble.

The LORD CHANCELLOR said, he wished that blame should rest where it was due. He could not tell why he used the word "Lectionary," which did not appear in the Report, and only once in the Bill.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned at a quarter past Eight o'clock, till To-morrow, half past Ten o'clock.

# HOUSE OF COMMONS,

*Thursday, 7th July,* 1870.

MINUTES.]—SELECT COMMITTEE—*Report*—Railway Companies Committee [No. 341].

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Sugar Duties (Isle of Man)* [203].

*Second Reading*—Processions (Ireland) [170], *debate adjourned;* New Zealand (Guarantee of Loan)* [190]; Paupers Conveyance (Expenses)* [193].

*Committee*—Elementary Education (*re-comm.*) [167]—R.P.

*Committee*—*Report*—(£9,000,000) Consolidated Fund*; Clerical Disabilities [49]; Juries (*re-comm.*)* [182].

*Third Reading*—Wages Arrestment Limitation (Scotland)* [118], and *passed.*

*Withdrawn*—Real Estate Succession* [81]; Feudal and Burgage Tenures Abolition (Scotland) (*re-comm.*)* [130]; Married Women's Acknowledgments* [43]; Mortgages (No. 2)* [52].

## PARLIAMENT—BRIDGWATER AND BEVERLEY—APPROPRIATION OF THE SEATS.—QUESTION.

MR. LOCKE KING said, he would beg to ask the First Lord of the Treasury, If it is the intention of the Government to appropriate the vacant seats, and if they propose to give one of them to Croydon?

MR. GLADSTONE said, in reply, that it was only a few days ago that he had answered a similar Question. The Government had not yet taken the matter into consideration, nor were they likely to do so at an early period, on account of the pressure of business.

## ARMY—EXPENDITURE.—QUESTION.

LORD GARLIES said, he would beg to ask the Secretary of State for War, Whether the actual expenditure upon the Army Votes of last year was not in excess over the Estimate by a sum of £696,835, the Estimate for last year (after deducting estimated extra Receipts and Payments), as shown on page 4, having been £12,795,400, whereas the actual Expenditure (after making the same deduction), as shown on page 4 of Corrected Estimate this year was £13,492,235; and, if these figures in the Estimates be correct, how he reconciles them with the statement of the Chancellor of the Exchequer on the 12th of April, that happily the actual Expenditure on the Army Votes had been less than the Estimate by £664,000?

MR. CARDWELL: Sir, the noble Lord is comparing the statement of the Chancellor of the Exchequer, which related to cash issues, with Estimates of Expenditure; and of two Estimates, one which is a gross Estimate including expenditure upon repayment, with another, which is a net Estimate excluding that expenditure. He will be glad to hear that, as regards the actual result, so far from anticipating an excess of expenditure over Estimate to the amount of £696,835, as suggested by him, I have every reason, so far as the Accountant General yet knows, to anticipate a saving at least equal to that sum.

## ARMY—THE 9TH REGIMENT—DEATHS ON THE MARCH.—QUESTIONS.

MR. ANDERSON said, he would beg to ask the Secretary of State for the Home Department, Whether it is within his knowledge that the Kingston Coroner has refused to hold an inquest on the soldier of the 9th regiment who died suddenly on the march, and that he assigned as reasons for such refusal that "a surgeon had already certified the cause of death," and further "that he had no funds available for the expense of the inquest;" whether these are legal and justifiable reasons for such refusal; and, whether the Home Office has power to order a coroner to hold an inquest, or whether in the absence of a public prosecutor the Home Office can in any other way prevent the withholding of an inquiry on account of such reasons?

MR. BRUCE said, in reply, that he did not understand that the coroner for the county of Surrey had refused to hold an inquest on the body of the soldier in question until after it had been buried, and that he declined to do so because he was of opinion that no suspicion existed as to the cause of death, and also because he had no funds available for the expenses of the inquiry. It was within the discretion of a coroner to say whether the circumstances under which a person happened to die did or did not call for the exhumation of a body and the holding of an inquest. The Home Department had no power to order him to hold one; but when he neglected to do so, in those instances in which he ought to hold it, the Attorney General might, under the existing law, apply to the Queen's Bench for a Rule on the subject, which Rule, when made absolute, the coroner was bound to obey. There was, therefore, a plain remedy against a coroner who should neglect his duty.

Afterwards—

Sir PATRICK O'BRIEN said, he would beg to ask the Secretary of State for War, Whether His Royal Highness the Field Marshal Commanding in Chief, prior to his issue of the reprimand to the Commanding Officer of the 9th Regiment for neglect of the Queen's Regulation granting a discretion to the Commanding Officer as to the hours at which he might march his command, had asked such Commanding Officer for an explanation; whether His Royal Highness was aware, when issuing such reprimand of the arrangements for the billeting of the 9th at Stratford-le-Bow, and its neighbourhood (the billets being scattered over a two-mile rural radius) did not render it almost impossible for the Commanding Officer of the 9th to parade his men at such an hour as might avoid their exposure to the great midday heat of the 22nd ult.; and, with whom rests the responsibility of proper billeting arrangements for troops on a line of march?

Mr. CARDWELL: In answer, Sir, to my hon. Friend's Questions, before giving the reprimand, His Royal Highness sent for the officer to the Horse Guards and heard his explanation. While His Royal Highness considers that billeting over a wide surface is a cause of great inconvenience, he does not consider that the billeting arrangements at Stratford-le-Bow materially interfered with the discretion of the officer, who was at liberty to parade his regiment at any hour he pleased. The billet-master is responsible for the billeting arrangements. He is a civilian, usually a constable of the district.

## ARMY—CONTROL SUB-DEPARTMENTS.

### QUESTION.

Lord ROBERT MONTAGU said, he would beg to ask the Secretary of State for War, When the lists of the Officers appointed to the Control Sub-departments (for the formation of which the Royal Warrant appeared in 1869) will be issued; and, whether the various Officers concerned will be deprived by the delay of any portion of the higher pay which has been voted for the financial year beginning 1st April 1870?

Mr. CARDWELL said, in reply, that the lists would be submitted to the Queen very shortly, and then published. According to the Instructions issued with the Warrant, the officers will be on their present departmental lists with their regulated pay and allowances until they receive their new appointments.

## METROPOLIS—HYDE PARK—THE SERPENTINE.—QUESTION.

Mr. WILBRAHAM EGERTON said, he wished to ask the First Commissioner of Works, Whether it is contemplated to have a depth of 7 feet of water or upwards in any part of the Serpentine which is still unfinished; and, if so, whether he would state the cost of filling up the bed so as to have an uniform depth of 5 feet of water when finished, in order to prevent any accidents from bathing or breaking of the ice?

Mr. AYRTON said, in reply, that the contract entered into for the improvement of the bed of the Serpentine provided that the slopes at the sides should be in the proportion of six feet to one foot in depth, and that the central depth should be eight feet from the bridge, sloping to 14 feet towards the other end. The cost of filling up the Serpentine to a depth of five feet would probably be £18,000.

## ARMY—MARTINI-HENRY RIFLE.

### QUESTION.

Colonel BARTTELOT said, he would beg to ask the Secretary of State for War, Whether he will lay upon the Table of the House the Reports that have been received of the trials of the Martini Henry Rifle; and, when the Tabular Statement of the sums expended on experiments for the trial of Ordnance and Small Arms, and the sums paid to inventors by way of rewards, will be laid upon the Table of the House, the Return having been ordered on the 1st of March?

Mr. CARDWELL, in reply, said, the Reports had not all been received as yet, but that he would have no objection to lay those which had been received on the Table. As to the other Returns, they were of a very complicated nature, and there was great difficulty in preparing them; but he was informed that they were now nearly ready, and he hoped to be able to lay them on the Table on an early day.

## CATTLE DISEASE.—QUESTIONS.

MR. GORE LANGTON said, he wished to ask the Vice President of the Council, Whether he has received a Report from the Local Authority for the county of Somerset showing the number of cases of Pleuro-Pneumonia and Foot and Mouth Disease, which have taken place in the county of Somerset for the three months ending the 25th June last; and, whether he will have any objection to lay the Report upon the Table?

MR. NEVILLE-GRENVILLE said, he wished to ask the right hon. Gentleman, Whether he has received Reports from other counties besides Somerset respecting the increase of Pleuro-Pneumonia and Foot and Mouth Disease?

MR. W. E. FORSTER said, in reply, that a Report had been received from the local authority of the county of Somerset covering the period between April 3, 1870, and June 24, 1870; but this Report did not quite agree with the Report furnished to the Privy Council by the Inspector, and until they could ascertain the cause of the discrepancy there would be no advantage in laying it upon the Table of the House. With regard to the foot and mouth disease, it had been prevalent in Somerset of late, though, perhaps, not to the same extent as it had prevailed in other parts of the country during the autumn of last year, and during the last week it had decreased. The outbreaks of pleuro-pneumonia in Somersetshire had been two in number; the number of cattle affected was reported by the Inspector to be four, and by the local authority three; the number of deaths was by both parties reported to be two; but he had reason to believe that pleuro-pneumonia was not increasing in Somersetshire. In answer to the Question of the hon. Member for Mid Somersetshire (Mr. Neville-Grenville), he had to say that there were no special Reports from other districts with regard to pleuro-pneumonia and foot and mouth disease. The Privy Council had reason to believe that pleuro-pneumonia was not to any great extent prevalent, and that the foot and mouth disease had decreased.

Afterwards—

SIR HENRY SELWIN-IBBETSON said, he wished to ask the Vice President of the Council, Whether it is true that a cargo suffering badly from Foot and Mouth Disease has been stopped at Thames Haven or elsewhere; what Country they came from; and, if any steps have been taken in consequence by the Privy Council?

MR. W. E. FORSTER said, in reply, that on Monday afternoon last he received a telegram stating that some sheep had been stopped by the officers of Customs on suspicion that they had the foot and mouth disease, the vessel having arrived from Tonning. Although the Department had the fullest confidence in the Customs officials, it was thought better to send down one of the Inspectors to make a special Report. Professor Simonds was consequently sent down, and his Report entirely dispelled the idea that the animals had the foot and mouth disease. Several of the animals were lame; but their lameness was simply owing to an inflamed state of the foot, induced by their having been driven long distances before being put on board the vessel. He might add, in justification of the detention by the Customs, that although the sheep had not the foot and mouth disease, there was good reason for suspecting its existence, and while inconvenience might have resulted to the owners, it was better in such a matter to err on the safe side.

## TURNPIKE TRUSTS.—QUESTIONS.

LORD GEORGE CAVENDISH said, he would beg to ask the First Lord of the Treasury, Whether, considering that the Turnpike Trusts proposed to be abolished by the Turnpike Acts Continuance Bill of the present Session have mostly been condemned by the Select Committee which sat upon the subject last year, and that the abolition of many of them was only suspended until the decision of that Committee was given, Government will not still adhere to the abolition of those trusts; and, whether the Government propose to withdraw the Clause in the said Bill which provides that the repairs of the roads of abolished trusts shall be borne by the common fund of the highway districts instead of individual parishes, seeing that the Select Committee of last Session reported that it was desirable that the area of management should be extended considerably beyond the limits prescribed by the existing law, and that the principle of the Clause has received very general approval?

Sir GEORGE JENKINSON said, he would beg to ask the Secretary of State for the Home Department, Whether he intends to withdraw any part, and if so, what part, of the Turnpike Acts Continuance Bill, as brought in by the Under Secretary of State for the Home Department, and which now stands for discussion in Committee; whether he intends to carry out the abolition of all, or any; and if so how many, of the Trusts scheduled in that Bill, to be abolished; and, especially, whether it is intended to retain the tenth Clause, which has given so much satisfaction to the ratepayers of parishes which have hitherto had to bear the sole expense of maintaining Turnpike Roads of which the Trusts have been abolished?

Mr. BRUCE, in reply, said, the Turnpike Continuance Act was a misnomer. It began invariably by repealing a certain number of Acts, and afterwards by continuing others for a limited time. In so far as the Bill dealt with those two subjects, it was an ordinary Turnpike Continuance Bill; but it also contained an important clause to the effect that where Turnpike Acts were determined, and also in the case of all Acts which had expired within seven years from the passing of the Bill, the cost of repairing the roads included in such Acts should be cast upon the general fund of the Highway Board. It was the intention of the Government to proceed with the ordinary parts of the Bill—namely, all those portions which referred to the repeal of certain Acts, and the continuance for a limited time of other Acts, subject, however, to reconsideration in one or two cases. With respect to other portions of the Bill, if it were the general desire of the House—and he believed it to be their desire—that the clause referred to should be continued, the Government would be very happy to accede to that wish.

## IRELAND—OFFICIAL SALARIES.

### QUESTION.

Mr. PLUNKET said, he would beg to ask the First Lord of the Treasury, Whether the attention of Her Majesty's Government has been called to a statement prepared on behalf of the Permanent Civil Servants of the Crown in Ireland (and by them presented to the Chief Secretary to the Lord Lieutenant of Ireland in October last), in which they show that a great disparity exists between the scale of their salaries and the scale of the salaries of gentlemen who fill corresponding offices in England, having regard both to the amount and quality of the services rendered and to the expenses of living in each Country; and, if so, whether Her Majesty's Government are prepared to redress this inequality?

Mr. GLADSTONE: Sir, in considering the question of the salaries of civil servants, the Treasury never proceeds upon general comparisons, or on allegations as between one class of civil servants and another in different parts of the United Kingdom. What they always require, when an application is made to them, is, that a comparison should be instituted, in the case of a Department, between that Department and one in which analogous duties are performed in other parts of the country; and upon the basis of such a comparison, we should draw our conclusion. We could not, therefore, deal in any case with the question of the salaries of civil servants in Ireland as a whole; and, while there is that difficulty, the Treasury are not able to admit that the main allegation made by the hon. Member is true, and that, regard being had to all the circumstances, officers are more penuriously paid by the public in Ireland than those of the same class in England. That is a matter which the Treasury would make it their duty to examine into in each case when it is brought before them.

## OFFICE OF LORD PRIVY SEAL.

### QUESTION.

Mr. J. WHITE said, he would beg to ask the First Lord of the Treasury, Why the recommendation of the Select Committee on Official Salaries—

> "That provision be made for the transfer of the duties of the Office of Lord Privy Seal to some

other Department of the Government, and that the salary be discontinued,"

has not yet been carried out?

MR. GLADSTONE: In order, Sir, to answer the Question of my hon. Friend why the recommendation of the Select Committee on Official Salaries has not been carried into effect, it is necessary to have regard to the date when that recommendation was made, and the occurrences which have since happened. That recommendation was made by a Committee composed of many eminent and able Members of the House in 1850—20 years ago. Since the recommendation was made by the Committee, however, a higher authority has been invoked, for the question has been twice submitted to the judgment of the House of Commons, in 1859 and again in 1860, and upon both those occasions the House decided by a majority against the abolition of the Office. That is, to a great extent, an answer to the Question why neither the present Government, nor any Government that has preceded it, has acted upon the recommendations of the Committee of 1850, so far as the authority of that Committee is concerned. As to the general grounds for the maintenance of the Office, another hon. Member has given Notice that he will call attention to the subject, and it would not, therefore, become me to enter into them on the present occasion. I freely admit that the presumption is against the maintenance of an Office which has not sufficient duties annexed to it; but the condition of Public Business, both in the Cabinet and in Parliament during the last two Sessions, has been such that I am bound to say it is very important for the Government to maintain the Office and retain the services of the person filling it; and I think the discussion will amply justify us in so maintaining the Office during the period to which I have referred.

## PARK KEEPERS IN REGENT'S PARK.

### QUESTION.

MR. HARVEY LEWIS said, he wished to ask the First Commissioner of Works, Whether his attention has been directed to several letters which have recently appeared in the "Daily Telegraph," in which grave charges of misconduct and extortion are made against certain park keepers in the Regent's Park; and, if so, whether he intends to take immediate steps to investigate such charges, and to protect the visitors to the Park from the alleged malpractices of the park keepers?

MR. AYRTON said, in reply, that the only constable known to have been guilty of the practices which were complained of had absconded and resigned. As to the general complaints, it was quite impossible that they could be investigated if they were not immediately made to the Secretary of the Office of Works. If people would not disclose their names and make a complaint, it was impossible that the constables could be punished. He, therefore, recommended that in every such case the name and address of the complainant should be given, so that the complaint might be investigated, and, if it was well-founded, that the constable might be punished.

## TURKEY—FIRE AT CONSTANTINOPLE.

### QUESTION.

MR. A. SEYMOUR said, he would beg to ask Mr. Chancellor of the Exchequer, If it is in contemplation by the Government to give any sum, and if so, what sum, towards "the general subscription for the relief of national distress" at Constantinople in consequence of the disastrous fire; and, whether the Government intend to reimburse the ambassador, attachês, officials, and private servants for all their losses incurred by endeavouring to save the property of the Embassy to the neglect of their own?

THE CHANCELLOR OF THE EXCHEQUER replied, that the Secretary of State for Foreign Affairs had sent £750 to Sir Henry Elliott for the immediate relief of British subjects who had suffered from this great calamity; and, with regard to the latter part of the Question of the hon. Member, the Government would endeavour to do their duty, according to precedent and justice, when proper cases were brought before them. Meanwhile, they could not be accused of *laches* until the facts were known. As to the general subscription he had heard nothing about it, and he declined to give an answer with reference to it. It appeared to him, considering who were the men who would subscribe, this was a matter for the wealthy, rather than for the Government.

## EDUCATION IN THE CHANNEL ISLANDS.

### QUESTION.

Mr. HAVILAND-BURKE said, he wished to ask the Vice President of the Council, Whether it is intended by Her Majesty's Government to extend the provisions of the Elementary Education Bill to the Channel Islands?

Mr. W. E. FORSTER replied that the Bill did not extend to the Channel Islands, and it would be entirely contrary to the customs and practices of the House to bring in any Bill to make such extension.

## BRITISH MERCHANTS IN HAYTI.

### QUESTION.

Mr. ANDERSON said, in the absence of his hon. Friend (Mr. Dalglish), he wished to ask the Under Secretary of State for Foreign Affairs, Whether any, and, if so, what reply has been given by the Haytian Government to the claims made by British merchants in Hayti through Her Majesty's Chargé d'Affaires in that country, for compensation for losses sustained by them by destruction of property and otherwise during the late Civil War in Hayti?

Mr. OTWAY, in reply, said, our Chargé d'Affaires at Port-au-Prince had reported that a Mixed Commission had been nominated to adjudicate on the claims of British subjects in respect of the losses they sustained during the civil war.

## INDIA—GREAT INDIAN PENINSULA RAILWAY COMPANY.—QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether the Government have agreed to a modification of the terms of their agreement with the Great Indian Peninsula Railway Company; and, if so, what is the nature of the modification?

Mr. GRANT DUFF: Sir, the best reply that I can give to the Question of my right hon. Friend is to read an extract from a circular lately issued by the Great Indian Peninsula Company, which correctly describes the recent change of arrangement—

"In consideration of the Company surrendering their right to a reversion of the second moiety of surplus profit (thereby allowing of a perpetual equal division between the Government and the Company of all surplus profit which may be earned in any half-year beyond 5 per cent), the Secretary of State agrees to cancel the whole existing debt against the Company for guaranteed interest advanced, and in future to meet the charge for guaranteed interest without taking account against the Company of any deficiency between the amount thereof and the net earnings of the Railway in each half-year. The Secretary of State in Council further relinquishes the right, which the Government possesses under the contract, of purchasing the Railway at the expiration of the first 25 years—namely, in 1874. The Company, while retaining their right to a moiety of the surplus profit of any half-year, are thus relieved from existing debt, as well as from liability to debt in future on like account, and are secured a minimum term of 29 years from the present time, within which to realize the benefits expected to result from their undertaking."

Mr. J. B. SMITH: What amount does the Government give up?

Mr. GRANT DUFF: £3,965,067 6*s*. 5*d*.

## TREATY WITH CHINA—REPORTED MASSACRES IN.—QUESTION.

Mr. MAGNIAC said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have determined whether or not to advise Her Majesty to ratify the Convention lately concluded with China by Sir Rutherford Alcock; and, if so, whether he can state what their decision may be? He also wished to inquire, whether any information has been received respecting the reported massacre of Europeans in that country?

Mr. OTWAY said, in reply, that it was not the intention of the Government to recommend Her Majesty to ratify the Convention recently concluded by Sir Rutherford Alcock. A communication would be made by way of answer to the memorial of the merchants without delay by the Secretary of State, and that communication would state the reasons which had induced the Government to come to the decision he (Mr. Otway) had announced. No confirmation of the rumoured massacre of the French Chargé d'Affaires and other Europeans at Pekin had been received at the Foreign Office; and the Government were of opinion that Mr. Wade, our representative in that city, would not have hesitated to despatch a courier with information of so grave an occurrence; but the rumour was generally believed in Paris. Her Majesty's Government hoped it would turn out to be without foundation.

**MR. MAGNIAC** said, the massacre had taken place at Tien-tsin, and not at Pekin.

**MR. OTWAY** said, one account said Pekin and the other Tien-tsin; but the account received was confused.

## GAS FOR THE METROPOLIS.

### QUESTION.

**MR. STEPHEN CAVE** said, he wished to ask the Secretary to the Board of Trade, Whether he has observed, in the Report of the recent meeting of the Gas Managers' Association, allusions to some important and unexpected results of experiments instituted by the Gas Referees, and whether those results will be made public; and, whether the Board of Trade contemplate the early extension to the whole Metropolis of the principle of the Gas Acts of 1868-9?

**MR. SHAW LEFEVRE** said, in reply, that he was inclined to think that the importance of the results alluded to in the first part of the Question of the right hon. Gentleman was rather overrated. The Report, however, should be laid before the House. Although it was exceedingly advisable that there should be uniform gas legislation for the metropolis, he was unable to pledge the Government to bring in a Bill on the subject.

## ELEMENTARY EDUCATION (*re-committed*) BILL—[BILL 167.]

### COMMITTEE. [*Progress 5th July.*]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

Bill *considered* in Committee.

(In the Committee.)

Clause 45 (School fund of school Board).

Proceeding resumed on Amendment proposed [5th July], in page 16, line 24, to leave out the words "any deficiency shall be raised by the School Board as provided by this Act," in order to insert the words—

"Any further requisite amount, whether for satisfying past or future liabilities, shall be paid as provided by this Act by rating authority out of the local rate: Provided always, That the sum so paid for this object shall not exceed in any one year the amount of one penny in the pound on the rateable value of the area included in the school districts."—(*Sir Massey Lopes.*)

Question again proposed, "That the words proposed to be left out stand part of the Clause."

**MR. MELLY** said, he wished to state the grounds on which it was impossible for him to support the Motion of the hon. Member for South Devon (Sir Massey Lopes), and on the other hand to express his dissatisfaction with the withdrawal of the provision limiting the rate to 3*d.* in the pound. Those who heard the close of the debate on Tuesday last would remember with great satisfaction the able remarks which were made by the hon. Baronet, and the very strong case he made out against an increase in rates, looking to their present most iniquitous incidence. Still, the case of the country was not stronger than that of the towns, and he was exceedingly glad the sting was taken out of what fell from the hon. Baronet by the speech of the hon. Member for South Northumberland (Mr. Liddell). To some extent, he questioned the figures adduced by the hon. Baronet. They were both school managers—one in the country, and the other in the town, and that was one reason why their experience might differ. The First Lord of the Treasury was rather incorrect in the general statement that the expenditure was 30*s.* per child, for that figure covered the expenses of the Department and of its inspection, and, deducting these, the cost of education might be set down at 27*s.* a child. The hon. Baronet spoke of a school for 100 children in a parish, the rateable value of which was £4,000, and the population 600; and he put down the cost at £215 a year. By taking 27*s.* instead of 30*s.*, he reduced this amount by £15. The Consolidated Fund would pay £75; the school-pence would produce £34; a rate of 3*d.* would yield £50; and the deficiency would be £66. He agreed with this; but the hon. Baronet proposed that the parish should pay only 1*d.* in the pound, which on £4,000 would produce £16 13*s.*, and that it should come on the nation for a balance of £165. Thus the ratepayers would guarantee a maximum of 1*d.* in the pound or £16 13*s.*, and would spend £215; but they would not stop there. The Vice President of the Council had said that the rating principle was at the bottom of the Bill, and it was understood that the 3*d.* rate was generally accepted; but precaution should be taken to make it certain that the rate would not exceed that amount of 3*d.* in the pound. As the Government had given up the building grants, through the means of which they exercised some control as to the proper building of the schools, he suggested that they should lend money for the purpose at 3½ or 4 per cent, and then they would be placed in the same controlling position as that they had abandoned by giving up the building grants. Many of these schools, destined for the education of the most wretched and dirtiest class of the community, would prove failures unless they were supplied, especially in large towns, with complete sanitary arrangements. If ever there was a national object for which the national funds might be applied, it was surely the advancement of education. Drainage was not more important than education, and yet loans at 3 per cent, repayable in 30 years, were made by the Government for the purpose of draining. If he were asked from what funds the money which he proposed should be lent for building schools was to be drawn, he would remark that the Savings Banks balances might well be employed for the purpose, and the security would be ample, as the rates and school-pence would be pledged for the interest, and the sites of land, ever increasing in value, would be security for the capital. At the same time, education would, as they all knew, diminish the police and poor rates, and, consequently increase the power of the ratepayers to pay the education rate. He should support the re-insertion in the Bill of the 3*d.* maximum, and he could not imagine why it had ever been knocked out; but he would oppose the proposal for a 1*d.* rate, as being utterly insufficient. National education was, as the hon. Baronet well said, a national responsibility, and ought to involve universal liability; but the doctrine that taxation and representation went together was a safe doctrine, and, under the limitations he had urged, he thought the Committee would hardly be inclined to leave the management of the schools in the hands of the locality if the liability of the locality was to be limited to £17 out of £165, or only 10 per cent.

Sir MICHAEL HICKS-BEACH said, that what he objected to was not so much the rate itself as the levying it only on one particular kind of property. When it was proposed to levy a special local tax for a new purpose, he could not understand why it should be levied on one class of property alone when it was allowed that all the community would be benefitted by the expenditure. In the United States, the expenditure for the common school system was borne by a percentage levied equally on all kinds of property; and in the State of Virginia, not only was this principle adopted, but a poll-tax of $1 per head was also levied on all the registered voters. In Upper Canada, the Provincial Legislature voted an annual grant for teachers' salaries and school furniture on condition that an equal sum should be supplied from local sources, and the burthen thus locally borne was placed on all kinds of property. Now, why should that system not be applied under this Bill. The right hon. Gentleman (Mr. W. E. Forster) might plead that at the present moment a Select Committee was considering the whole question of local taxation; but he (Sir Michael Hicks-Beach) believed the fact to be that that Committee was not considering what class of property should be liable to local taxation, but whether local rates should be divided between owner and occupier, and in what proportion they should be borne by them respectively. That inquiry in no way touched the question whether real property should alone bear the burden of local taxation. This was a question which the Government would be compelled to take into their consideration next Session: yet they selected this very time for proposing to levy a new tax entirely on real property—a tax which was quite unknown in any other part of the world. He thought this new rate should have been placed on some more fair and equitable basis—if nothing better could be suggested the basis of the income tax might have been selected; but to propose that it should be levied on real property alone would be felt to be most unfair and unjust by a large class of Her Majesty's subjects.

Mr. VERNON HARCOURT said, it appeared that they had left the religious difficulty behind only to enter upon a new difficulty quite as great—namely, the pecuniary difficulty of this Bill. The proposal of the Government in Clauses 45 and 46 was to establish a school fund and determine how it was to be raised. In the first place, there was to be paid into that fund a certain amount from school fees; secondly, there was to be paid into that fund a certain amount from Imperial taxation, and the whole residue, whatever it was, was to fall on local taxation. This question seemed to him, more than any other, the mainspring of the whole measure. They might arrange the machine as they pleased, but if the spring would not work the machine would be worthless. He very much questioned whether the pecuniary arrangement of the Bill was such as would prove effective. On whom would the portion of the fund to be derived from local taxation mainly fall? Owing chiefly to the financial genius of the First Minister of the Crown, he believed they were now raising an amount of Imperial taxation from the people of this country with less oppressiveness than ever attended the levying of any similar amount of taxation on any other nation in the world. The policy of Sir Robert Peel was to remove the burden of taxation from articles of necessity, and to relieve more particularly the poorer classes of the population. There was still much to be done in that direction, and he hoped the Chancellor of the Exchequer would before long be able to give the wage-earning class the benefit of a free breakfast table. But local taxation was not administered by Parliament or by Chancellors of the Exchequer, who understood the principles of finance, and he believed that the present state of our local taxation was a disgrace to the country. It was unequal in its incidence as regarded classes, and unfair in its incidence as regarded property. It was impossible to defend it on any principle of reason or justice. The difference between local and Imperial taxation reminded him of nothing so much as the cleanliness of the Dutch people. They made their rooms extremely clean, and swept all the dirt under the bed. We had carried our system of Imperial taxation to great perfection, and swept the whole of our financial rubbish under the bed of local taxation. We had in the result arrived at a chaos of blundering injustice, which must very soon end in parochial insolvency. Was that the basis on which they should levy a new burden? It was not a question between land and town. It had been thought just and necessary to take the tax off corn; but house rent was an article of first importance to the poor man. It was the first necessity of life. It meant the decent comforts of his family, the health of his sons, and the virtue of his daughters; and it was upon that they were going to place this heavy burden of a new tax. For the increased rate meant nothing but an enhanced house rent. He might be told that in the case of poor people they could remit the rate; but of all forms of almsgiving remission of rates was the most demoralizing; and while remitting the rate to the careless and improvident, they would have to levy it on the thrifty and provident artizan, who was able to pay only because he was more industrious and self-denying than the good-for-nothing, to whom it was remitted. Such was the nature of the tax; and on what districts would it fall? On the poorest districts—on the East of London—on the slums of Liverpool, and places of that kind, which had the fewest schools, because they were the least able to provide them. They were going to levy this new tax principally in the most neglected parts of the country, which were least able to bear the burden. That was not all. In those districts the people would not be able to pay school fees, and the consequence was, the rate would not only have to build the school where there was no school, and to support the schoolmaster, but to pay school fees also. Who were to pay these school fees? The provident artizan, who was to pay the fees of the improvident artizan, who made himself by his own conduct so poor that he could not pay school fees for his own children. The consequence of this state of things would be to make the whole system of the Bill stink in the nostrils of the people, who would reject it with disgust. If they did not limit this rate, and give the people an assurance that the new burden would not be such as they feared it would turn out to be, they would do a most unjust and impolitic thing, which would render the whole measure of national education absolutely unworkable. Nor did he believe, as had been suggested, that the Government could and would step in if the localities failed to do their duty. The same promise was made in the case of the pollution of rivers, but nothing had ever come of it. If they wanted to float this Bill, if they wanted to get the ship over the bar, they must lighten it of the burden of local taxation. It was said, where will you put the burden? He proposed exactly to reverse the operation of the Government plan—to limit the amount which the local rates would contribute, and to make the Imperial Treasury bear the residuary charge whatever it might be. This was an Imperial necessity, and ought to be an Imperial charge. Money for the support of the Army and Navy was not levied by local rates; and he would ask whether the enemy, against whom by this Bill they were doing battle, was not as real as the enemy contemplated by the Army and Navy Estimates? Millions were being spent to protect the country against an invasion which had never occurred, and which he did not think was likely ever to occur. But here at home, and in every town and hamlet of the country, a hostile force of ignorance and vice was encamped against which they were striving to make head. The hon. Baronet opposite had mentioned the State of Massachusetts. Two or three days ago the Minister of the United States had been good enough to give him a pamphlet showing what was done there in the cause of education. That little State, out of its State funds, expended upon education an amount larger by several thousand pounds than the whole expenditure of the British Empire in the same direction. The House had passed large Votes, of which hon. Members—on the Liberal side, at all events—were now ashamed, for purposes of fortifications, and, probably, they would be asked to make further Votes for the same object this year. One-tenth part of the money thus spent on fortifications would have sufficed to cover the country with schools from one end to the other. The system of State expenditure thus adopted he could only describe as having been characterized, on the one hand, by foolish extravagance, and, on the other, by foolish parsimony. They were constantly reminded of the enormous assistance which had been derived from voluntary subscriptions in this country. He had looked into the Navy Estimates lately, and found that the last iron-clad which was built cost a sum about equal to the whole of the voluntary subscriptions for the purposes of education. Having arrived at a point in the cost of engines of war when the expense of fitting up a school was about equal to the cost of a cannon, the House might fairly borrow from the First Lord of the Admiralty, and from his right hon. Friend and Colleague the Minister for War, as much money to relieve local taxation as was necessary to make this a workable Bill. He might be told that his proposal was not very consistent with the views expressed by the hon. Member for Birmingham (Mr. Dixon) and others who represented the League. He had no authority to speak for them, but his proposal was certainly not inconsistent with the original scheme of the League. Their original proposal was that two-thirds of the expenditure for education should come from Imperial taxation; and the proposal either of the hon. Baronet opposite (Sir Massey Lopes), or his own, was not inconsistent with that. The League, no doubt, had been willing that one-third of the necessary amount should be levied by local rating; but that was upon the assumption that the schools were to be free. It never was intended that one payment should first be made by the parents in the shape of rates, and then that the children should pay the amount over again in the shape of school fees. It had now been decided that one-sixth should be defrayed by the school-pence; and, therefore, he proposed that the local charge should be diminished to that extent, or made another sixth. From the proposition that Imperial taxation should bear the whole expense he would dissent; for, if there was to be local administration to render this efficient, there must exist some local interest which would act as a check upon expenditure. That local interest, however, ought to be kept down to the lowest point that was consistent with effective administration. A fixed rate, say of 1*d.*, would not operate as a check upon expenditure in the particular locality in the same way as if the liability were adjusted to a certain proportion of the expenditure, for thereby a direct interest was created in keeping down the total outlay. The reason he had adopted, in the Amendment which he proposed should be made in the 46th clause, this limit of one-sixth, was because that figure seemed to have emanated originally from the Treasury Bench, the right hon. Gentleman having suggested that a voluntary school, which raised by subscriptions one-sixth of its expenditure should, in virtue of such subscription, be entitled to a grant from the State. If that was good for a voluntary school, why should it not be equally good for a rate-supported school? The question had been asked whether a share in the government of the school ought to be intrusted to persons whose pecuniary contributions were so limited in amount. But an instance was mentioned in a letter which had reached him where contributors of £30 shared in administering the revenues of a school amounting to £600 a year. It was said that the proposal now made would interfere with the system of payment by results; because the Imperial Exchequer would have to pay not only for the excellence of the school, but also a residuary lump sum. But that was also the original plan of the Government as embodied in the 84th clause, which contemplated first the payment by results, then a 3*d.* rate; and, if that was insufficient, then a further sum to make up the deficiency. Between the proposal of the hon. Baronet opposite and his own there was no difference in principle, and he was quite satisfied either to vote for the Motion of the hon. Baronet or that the hon. Baronet should vote for his. What they both desired was the adoption of some principle that would limit the local rate. The other day the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had been good enough to refer to the want of experience of hon. Gentlemen below the Gangway, and to say that when they knew a little more about the subject they would feel less confidence in their own recommendations. He might take advantage of the motto which the right hon. Gentleman had rendered familiar—"*Nôsse omnia hæc salus est adolescentulis,*" and reply that the young men below the Gangway were quite willing in this instance to sit at the feet of the Gamaliel of political wisdom, who had told them that "national enthusiasm in favour of education would never be raised by a plan based on the increase of local taxation." He hoped the right hon. Gentleman would remember the principle which he himself thus laid down—that the increased charge ought to come out of Imperial, not local taxation. This question seemed to him to lie at the very root of the Bill, and the Division about to be taken would be a test Division; for, 12 months hence, when they tried to levy the rate, the success or failure of the Bill would be determined by the principle which might be adopted that evening. If failure should then result, through the odium and pressure of local taxation, he would have the satisfaction of feeling that he was not responsible for that failure, and that he had striven to exclude from the Bill a principle which he believed would make it unworkable.

MR. W. E. FORSTER said, that the last time the Bill was under discussion he had offered some explanations on this subject. He fully agreed with his hon. and learned Friend (Mr. Vernon Harcourt) that this was a test clause, and, indeed, before he brought in the present Bill he had supposed that this might be the point on which the greatest interest would be excited. Before commencing his reply to the eloquent speech made by the hon. Baronet (Sir Massey Lopes) last Tuesday, and to that just delivered by his hon. and learned Friend, he desired to correct a misrepresentation. He understood his hon. and learned Friend to say that the rate would fall on the East of London and the slums of Liverpool; but surely he could not have intended to convey the impression that the rate would be levied exclusively on the distressed part of Liverpool, and, of course, the House could not have forgotten that they had come to the conclusion that the rate ought to be levied on the whole of the metropolis. With regard to one of the illustrations used by his hon. and learned Friend, he might remark that the Army and Navy were maintained by Imperial taxation because they were administered by Imperial management. They could not be dealt with in any other manner, and if education could be administered in the same way there certainly would be no necessity for troubling the local authorities to raise rates. The speakers in both the discussions on this subject seemed to go upon the supposition that they were now for the first time fastening this charge on the local communities. The fact was that, at the present time, considerably more than one-third of the expenditure for education was paid out of the Imperial Exchequer; but it was notorious that the Government had stated in the course of these discussions that they looked forward to a still larger amount being paid out of the Imperial funds, so that it could not be said that they were now attempting to fasten the charge for the first time or to a greater extent than before upon the local communities. His hon. and learned Friend hoped two-thirds would be paid out of the Exchequer; but he omitted to mention that one-third would even then have to come out of the local rates. [MR. VERNON HARCOURT said he had alluded to that circumstance.] But his hon. and learned Friend said that as one-sixth of the expense would be paid by the parents in the shape of school fees, and as they ought not to be called upon to pay that sum over again, he would restrict the rate to one-sixth. But his hon. and learned Friend ought to be strictly accurate in his facts, and he must not suppose that the parents of the children who paid the fees would be the same as the ratepayers. The hon. and learned Gentleman was now anxious to keep down the rate. He should have been very glad to have received his hon. and learned Friend's valuable assistance in keeping down the rate at an earlier period of the discussion. In proportion as the voluntary schools were made useful the rates would be saved, much more effectually than they could be either by the clause of the hon. Baronet or that of his hon. and learned Friend. He now came to the instructive speech delivered last Tuesday by the hon. Baronet, and he might, perhaps, be permitted, in the first place, to express his opinion that the two cases adduced by the hon. Baronet were not fair ones. It was presupposed that there would be no voluntary schools whatever in a district, that there would be no available school building, and that every parish, however small, would be obliged to act for itself, whereas it was intended to effect a great saving by uniting parishes for the purposes of the Bill. Again, the hon. Baronet exaggerated the cost—a circumstance not much to be wondered at, because they had usually treated the cost at 30*s.*, divided into rates, school fees, and the Government Grant. When they came to actual practice, however, 30*s.* was found to be too much. The real cost, he believed, was 25*s.* 7*d.* on the average attendance throughout the country. In 1865 the Government Grant was 36·3 per cent, the voluntary contributions 34·3 per cent, and the school fees 29·4 per cent. In following years the proportions were much the same. His hon. and learned Friend seemed to treat it as a light matter whether they retained the voluntary contributions or not, but it was clear that if they got rid of them they would at once have to double either the rate or the grant. If the voluntary subscriptions disappeared the constituencies would have to pay for them either as taxpayers or as ratepayers. The House, therefore, ought not to discourage voluntary contributions. [Mr. VERNON HARCOURT said he had not expressed a wish to discourage them.] His hon. and learned Friend had remarked that a single iron-clad would sweep them all away, and therefore he suggested that they need not consider them when they made their calculations. Without going minutely into the details referred to by the hon. Baronet, he might state his belief that, even supposing there were no voluntary schools and no available buildings, generally speaking a 3*d.* rate would meet the expense. He acknowledged, however, that there were some exceptional cases in which it was possible, though not probable, that a rate of more than 3*d.* would be required, and therefore he thought it was incumbent on the Government, especially after the expectations which had been held out, to point out the means of dealing with those cases. The sole reason why they had recourse to local taxation was because they wanted local management, and not because they were particularly in love with the present incidence of the rates. He protested, indeed, against the Bill being further complicated by his being required to decide the difficult question of the incidence of taxation. It must be borne in mind that the charge would be comparatively small, and that, as almost everybody now admitted, education would, in all probability, diminish pauperism. There was, therefore, a certain degree of justice in saying that the education rate should follow the incidence of the rate which it was intended to diminish. While he acknowledged that the incidence of the poor rate ought to be thoroughly examined, he protested against being obliged to solve the difficulty at the present time. To do so they must jump to a premature decision before the Committee now sitting upstairs had presented their Report, or else postpone the education question until that Report was presented. He did not complain, however, of the hon. Baronet making a strong protest against a mode of taxation which he felt to be not entirely just. He would now advert to the principle on which the Government thought these exceptional cases ought to be dealt with. The mode of meeting the difficulty by limiting the local rate to 1*d.* in the pound was hardly one which the

Committee could accept. In the first place, 1*d*. in the pound would be too small a sum. Indeed, it could hardly be expected that owners of property who were only liable for so small a sum would care much about its expenditure, or take an interest in the management of the schools. Again, whenever the expenses exceeded 1*d*. in the pound there would be no pecuniary motive to induce the school Board either to be economical or to obtain money by showing efficient results. The principle of the hon. Baronet was, however, he thought, better than that which was advocated by his hon. and learned Friend the Member for Oxford. Indeed, he could hardly conceive a worse proposal than that of his hon. and learned Friend. His principle was, that under no circumstances should school Boards be liable to pay more than one-sixth of the expenses. But why, he would ask, were they to have school Boards at all? It was because they wanted managers who it was hoped would combine efficiency with economy. Now, what would be the result if his hon. and learned Friend's proposal were adopted? The first feeling of the school Boards would naturally be to make the expenses as little as possible, and to starve the schools to the utmost extent. Again, it ought to be the aim of Parliament to measure what they gave to these Boards, not so much by the rate of the expenditure, as by the efficiency of that expenditure; but his hon. and learned Friend would entirely defeat that object; he would be quite reckless of efficiency, and payment by results would, under his plan, vanish altogether. He (Mr. W. E. Forster) looked forward to school Boards with their local influence meeting, to some extent, the difficulties with regard to attendance, acting by the force of moral compulsion. But it would make no difference to them under the proposal of his hon. and learned Friend whether 50 or 150 children attended the school; so that, so far as educational results were concerned, he could not imagine a worse principle to sanction. What was desirable to be done was to fasten upon managers the responsibility of management. If that was not done it would be better not to have managers, but to throw the responsibility at once upon officers appointed for that purpose. And if they fastened on managers that responsibility they ought to make it their interest to manage their schools in the most efficient manner. But then the question came, how were exceptional cases to be dealt with? He thought they would be met by a clause which had been originally introduced by the Government, and which they had no objection to restore. It had been omitted because, with the additional grants to be given, they believed it would not be wanted. He was, however, of opinion that there might be one or two exceptional cases in the country in which it would be required. At any rate, as it was thought that they should have that safeguard, the Government had no objection to restore it. To meet, therefore, the expenses or position of specially poor districts they were willing to fix a certain sum per head for the children attending the schools, which, if not produced by a 3*d*. rate, should be made up out of an extra grant, and then to allow them to go on earning as if there had been no extra grant at all, so that the money which the managers would receive would depend as now on the efficiency of the teaching. The Government would, in other words, in the more distressed districts supplement the rate by making it up to a capitation sum on the average attendance at schools provided by the school Boards. In the original clause the amount of this sum was fixed at 10*s*. per head on the average attendance, but as it was afterwards proposed that the grants of the State should be not more than one-third, the 10*s*. were reduced to 5*s*. But the Government were disposed, if they erred at all in the matter, to err rather on the side of liberality, and therefore they fixed upon 7*s*. 6*d*., and he would lay on the Table that evening a clause embodying that proposal, which he should introduce as a Proviso to the 82nd clause. Another reason why he wished to meet the difficulty in this way was because the Government were of opinion that all schools which gave an efficient education should be treated on the same principle—that was to say, that the principle on which schools provided by school Boards and not provided by them should be treated should be in no way different. The fact, therefore, that the Government took that view was a reason why he could not adopt either of the Amendments which had been submitted to the notice of the Committee, because they would give a preference to schools provided by school Boards.

Colonel BARTTELOT said, he had listened with great attention to the exceedingly able speech of the hon. and learned Gentleman the Member for Oxford (Mr. Vernon Harcourt), who had, he thought, touched the right key, and had placed very plainly before the Committee a grievance which those on that (the Opposition) side of the House had long felt, and which was now, he was glad to find, being felt by hon. Gentlemen opposite. There could be no doubt that in the matter to which he was referring town and country suffered alike, and that they would, if the Bill passed, have to bear a very heavy burden, in addition to that which was already imposed upon them. The right hon. Gentleman who spoke last had, he thought, made a mistake in mixing up the two kinds of schools, and he would confine his remarks to the rate-founded schools. The poorer districts in towns would feel the rate to be especially heavy, because they would not only be called upon to provide the children's pence but also to pay an amount of rate. The right hon. Gentleman at the head of the Government objected in February last year to a Royal Commission being issued to consider the subject of local taxation, because he said that would postpone legislation on the subject to a day more distant than he wished. Since then nothing had been done with regard to the inquiry. [Mr. Goschen dissented.] The President of the Poor Law Board shook his head; but he appealed to any hon. Member whether the Committee to whom the subject had been referred were making any fair inquiry into the incidence of local taxation—for that was what was needed, and the Government would not be able much longer to delay the investigation of that most important question. With regard to rate-founded schools, objection had been taken to some statements that were made by the hon. Member for South Devonshire (Sir Massey Lopes), and since then he had ascertained what the management of schools cost in a district with which he was acquainted. He took a parish of 6,610 acres, with a rateable value of £9,000, a population of 1,900, and 260 children attending school. In that parish there were three schools, the cost of building which was £2,028; the managers now received from the Government Grant £113, from the school-pence £54, and from other sources £95 19*s.* 4*d.* The expenses were—A schoolmaster, £84; two schoolmistresses, £38 and £35; sewing mistress, pupil-teachers, monitors, books, &c., £105 19*s.* 4*d.*; total, £262 19*s.* 4*d.* If they had to pay 6 per cent on the outlay for school premises, that would be £121 10*s.*, and that parish would have to pay a rate of 5¾*d.* in the pound. He asked whether it was right to increase by such an amount the present burdens of the ratepayers in that parish, who now paid two 20*d.* poor rates, a 10*d.* highway rate, and a 2*d.* voluntary church rate; they also paid a sewers rate in a certain portion of the parish, and on one farm which produced a rental of £200 per annum he paid £16 land tax. The present burdens of local taxation were enormous, and if this Bill added a heavy school rate to them it would create a feeling against the educational movement, and do more mischief than could easily be imagined. Hon. Members should remember the old saying—

> "We laugh and revel till the feast is o'er,
> Then comes the reckoning, and we laugh no more."

The reckoning in this case would come, and while he was as anxious as anyone that education should be placed within the reach of every child, he wished the Committee to be careful not to irritate the feeling of the country. Whatever might pass that House, they could not compel parents to send their children to school, or even to pay the school fees; and he should like to know if they would send the parents to prison for refusing to do so. He trusted the Committee would agree either to the Amendment of the hon. Member for South Devonshire or that of the hon. and learned Member for Oxford. He was quite prepared to support either one or the other. If the Government had said they were willing to propose 2*d.*, splitting the difference between 1*d.* and 3*d.*, he should not have objected; but he could not give his sanction to placing so heavy a burden as that proposed upon the already overburdened rates.

Sir STAFFORD NORTHCOTE said, he found it difficult to follow very precisely the effect of the addition which the Vice President of the Council proposed to make to the 82nd clause, because some attention must be given to its working in connection with the Parliamentary Grant and the Revised Code by which it was administered, the latter being frequently changed. Although the proposal might appear to be a liberal one it scarcely met the point that was raised by his hon. Friend the Member for South Devon (Sir Massey Lopes), which was not what aid should be given by the State, but on what principle the cost of education should be raised by local taxation. The grievance was not so much that it was proposed to levy a certain amount of local taxation, as that the Government proposed to do so before that taxation was put on a fair footing. To that the Vice President of the Council had answered with great force that the Amendment put the Government in a dilemma by calling upon them either to postpone making an education rate, which involved, in fact, the postponement of the extension of education until the question of local taxation was settled, or to settle that question at the present moment, which it was impossible for them to do. There was great force in that argument, and the right hon. Gentleman was justified in endeavouring to find some way out of the difficulty. Great importance was justly attached to local management, and if there was to be local management such responsibility must be cast on those in authority as should induce them to conduct their schools efficiently and economically. Until, however, the question of local taxation was settled, was it not possible for the Committee to hit upon an expedient by which they might obviate the difficulty which the hon. Member for South Devon had pointed out? The principle on which the clause was framed was, that after a certain fund should have been raised by fees from scholars, by the means provided by Parliament, and in other ways, the deficiency should be provided by local rate; but his hon. Friend objected to the whole deficiency being thrown upon that rate until local taxation was put on a more satisfactory footing, and had suggested that as a temporary expedient recourse should be had to the Consolidated Fund, which had the merit of being raised in a fair and equitable manner. ["No, no!"] Well, he did not profess to say that even Imperial taxation was perfect; but compared with local taxation it was much fairer. This was a matter of Imperial importance, and he thought it would be fair that for the present the deficiency should be provided partly by the local rate and partly by the Consolidated Fund in such proportions as might be thought most just and equitable, but without any limit being fixed. He had not worked out this question so as to be able to make an absolute proposal; but he ventured to make this suggestion as containing a principle which would properly meet the difficulty. In the event of its being carried out the local Boards which would have the management of schools would have a direct interest in economy and efficiency, while the whole burden would not be thrown on a particular class; nor was it unimportant that the Imperial Revenue should bear some proportion of the deficiency, which might very easily be increased or diminished, according to the action of the Education Department. He did not wish to get rid of the question of local taxation permanently; but as it would be impossible to deal with it this year he had suggested a mode which would settle it for the present, and which, by putting pressure both on the State and on those Gentlemen who were interested in education, would make both anxious to press the subject to a satisfactory conclusion.

MR. SCOURFIELD said, he regretted that the Army, the Navy, and the iron-clads had been introduced into the debate. We were bound to provide for those services whether we had education or not, because if the army of an enemy landed in this country it would be impossible to arrest its course by calling out the school children and the teachers. It was said to be universally acknowledged that the effect of this Education Bill would be to considerably reduce pauperism. That must be left to the future. It was all very well to prophesy; but if some felt themselves at liberty to prophesy, he felt himself at liberty to doubt and disbelieve their predictions; and he thought that if the spread of education led, as it would be sure to do, to young people seeking employment in avocations in which there were far more candidates for employment than situations to fill, the present proposals would be just as likely to increase pauperism as to diminish it. Perhaps the House was not aware of the extraordinary demand there was at the present time among young men for employment as clerks; but he had been informed that in one large bank there were at least six times as many applicants for vacancies as there were vacancies to fill, and that only the other day a chemist advertised for a clerk at £65 a year, and immediately received 85 applications. With regard to the economical administration of the fund, the history of the past caused the greatest apprehension as to the future. The administration of local taxation was neither one thing nor the other. This new school system would be all administered by Commissioners, who, under the pretence of advising, would really compel; and threats of a *mandamus* or of the withdrawal of the Government Grant, unless a great deal more was done than was really necessary, would be of frequent occurrence. If the Commissioners had no fault to find, they would be compelled to make suggestions, otherwise they would feel that their own situations were in danger. It was extremely agreeable to recommend other people to spend their money, and that would be the chief duty of the Inspectors and Commissioners. If they were to pay only for results, who was to test the results? Government Inspectors, a class for whom he had no great admiration, and who, if you were in a difficulty, would not assist you, and, when you did good, took the credit of it. Looking to the whole bearing of the question, he preferred the proposition of the hon. Baronet the Member for South Devon (Sir Massey Lopes) to that of the hon. and learned Member for Oxford (Mr. Vernon Harcourt); but he should infinitely prefer either of the Amendments to the clause.

Mr. WALTER said, as a member of the Committee on Local Taxation, he had listened with interest to the able speech of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), and he thought the whole Committee would agree with him in wishing they had had his valuable assistance as a member or a witness. By far the greater part of his speech, however, would have been much more properly addressed to the Committee on a question of local taxation than upon this clause. The question now to be decided was whether, assuming the expenditure on particular schools to amount to a certain annual average sum —that sum being defrayed partly out of school fees, partly out of rates, and partly by a Government Grant—any excess above that sum was to be defrayed out of local rates or Imperial taxation. It was quite clear that the Government Grant might be given on three principles —in the shape of a fixed sum or of a fixed proportion to the sum levied out of rates, or of the whole excess, whatever that might be, above the actual expenditure incurred. Now, looking at the circumstances with which the Legislature had to deal—the great importance of throwing the responsibility of managing these schools upon persons in the locality, and the great local interests concerned, he decidedly preferred that the excess above the certain average expenditure should fall rather upon local rates than upon the Imperial Exchequer. The point raised by the Vice President of the Council—that the same rule must be applied to the voluntary as to the local Board schools—was very cogent; and, not being disposed to concur in the suggestion of a temporary compromise, he must vote against the Amendment of the hon. Baronet (Sir Massey Lopes).

Mr. LIDDELL said, he had listened with great admiration to the speech of the hon. and learned Member for Oxford (Mr. Vernon Harcourt); but he must remind the Committee that the speech of the hon. and learned Member must be taken in connection with his antecedents. From the beginning to the end of the discussion the hon. and learned Member had argued in favour of secular education, and he knew well that if he threw the weight of the support of these schools upon the State they would gradually be forced into a system of secular education, whereas the House had decided that the education of the people in the rate-supported schools should be a religious education.

The CHANCELLOR of the EXCHEQUER said, the point at issue was one of so serious a nature that he wished to say a few words upon it. It went to the very root of the question as to the quality of the education to be given in this country. The sum to be raised by a penny rate throughout the country was about £420,000; but they must leave out from this account all those places supplied by voluntary denominational schools assisted by the Government. The penny rate would therefore probably amount to something like £200,000, which would leave about the same sum to be provided out of the

Consolidated Fund. The proposition was simply that the State should provide whatever was wanting in the rate-supported schools to be provided by the school Boards—the rate-provided schools, as, in ignorance of what was going to happen, they had been called. Now, he wished the Committee to consider what this really meant. He did not put it upon the ground of a drain upon the Exchequer, but with reference to the future scope and quality of education in this country and the efficient working of the system. It amounted to this—that the sum which each school would be called upon to provide was so exceedingly small that it would be a matter of indifference to the managers whether they earned anything under the Revised Code or not; because, if the children were taught well and passed a good examination, the school would get the money, and if they were ill-taught and passed no examination the school would get the money all the same. The Amendment, therefore, tended to destroy the quality of education. It was represented as a great relief to the ratepayers and as remitting a portion of their burden. But the supporters of secular education should remember that, if the Amendment were carried, while the denominational schools would have the strongest inducement to exert themselves and give the best instruction, since the amount of aid given by the State would depend almost entirely upon that instruction, the rate-aided schools — the favourite schools which they wished to be general—would have no inducement at all for exertion, because they would be told—"If you work, or if you do not work, you shall be paid out of the general Revenue." In their favour the machinery of the Revised Code would be repealed—that potent stimulus to exertion on the part of the managers—and the consequence would be that while you were, as you thought, pampering and cockering up this rate-aided system from the national Exchequer, you would really destroy its efficiency and expose it to a competition with the voluntary system, which you disliked, under circumstances most unfavourable to the rate-aided schools. The thing went, in fact, to the root of the whole scheme. Let the Committee consider how and why the present system had been devised. Why was not all the cost of education thrown on the rates? Of course, one reason was because they did not wish to bear heavily upon the ratepayers, as was apparent by the Government taking one-half more of the burden. But it was not entirely on that account, for who did not see that if the rate-aided schools were left to the ratepayers, without State inspection and a Government Grant to make it efficient, the result would be that those schools would be starved by a parsimonious management? The whole thing was a matter of choice between parsimony and economy. Every payment that could be saved would be saved, and the whole system by which it was desired to give education to the country would come to nothing. On the other hand, it might be asked, why did not the Government give the whole grant for education out of the Consolidated Fund? Why, because if they did, they would make education a Government Service, like the Army and the Navy, and there would always be a tendency to go to sleep. Instead of energies being devoted, as now, to picking holes in the system of teaching, to fault-finding, and to testing severely, in order to economize the grant, the whole power and weight of the Government would be enlisted on the other side, in proving that the system of education, however defective, was as good as possible. The one scheme would end in starvation and the other in indolence, and what the Government wanted to do was to devise something better, by regulating the grant according to the efficiency of the system pursued in each school. Hitherto the plan of making grants proportionate to the contributions of managers, regulated by testing the efficiency of schools, had worked very well; and he entreated the Committee, when they were inaugurating a new system, not to deprive themselves of the advantage possessed by the old one—not to send it to sleep by withdrawing from it the stimulus which the Legislature had applied, and not to destroy the very thing they wished to promote by removing the incentive to exertion. It was proposed that the rates should not be called on for more than one-sixth of the outlay; how did the matter stand now? It was calculated that the managers of voluntary schools, or the ratepayers for Board schools, would find one-sixth, that two-sixths would be found by school-pence, and that three-sixths would be earned under the Revised Code; but how would his hon. Friend's (Mr. Vernon Harcourt's) plan work? There would not be the slightest incentive to raise a penny from the parents of the children. Whether it worked or did not, wanted school-pence or did not, a school would be entitled to receive five-sixths; and if that was not a recipe for making a school as useless and as inefficient as possible he did not know what was. He claimed to speak with some knowledge, because all these matters had to be brought under review when the Code was revised; and he did not hesitate to state his opinion that this Amendment or anything like it would, if carried, be fatal to the objects of this Bill, and break up its structure altogether. Under these circumstances, he hoped the Committee would not look on the Amendment, as it had been presented to them, merely as a question of a little more or a little less burden to be imposed upon the rates, but that they would regard it as a question of the future quality of education, and, in fact, as a question affecting the possibility of providing any system of national education at all.

Mr. PELL said, he would not detain the Committee, but that he had some practical acquaintance with education, both in the country and in London. They had been told that if the rates were limited to 1*d.* in the pound, or to one-sixth of the cost, the school Boards must part with the management of the schools; but was it supposed that the school Boards were going to be allowed, under the Bill, to have the management of their schools? They would no more manage the schools than the guardians did the poor. There would be a Department, which would make the school Boards its instruments to carry out its instructions. They were willing to part with the management if, at the same time, they might part with the excessive rate which would be imposed on real property by the Bill. He joined in the hope that in their easing the ship over the shoals of secularism, she would not go to pieces on the rocks of rating. In the original Bill, Clause 84 imposed a limitation of the rate, and the right hon. Gentleman the Vice President of the Council had stated his willingness to restore it; but he had told them it extended only to two classes of school districts—small parishes and those in which there were a vast number of poor and comparatively little property to assess. There would, therefore, be a vast number of schools and districts that would not be touched by it.

Mr. W. E. FORSTER: The clause would cover every place on which a 3*d.* rate did not produce 10*s.* per head for each child to the number of the average attendance.

Mr. PELL said, that statement was not in the clause. It was a very involved clause, and he believed there were not 50 Members of the Committee who understood what was meant. The cost of the St. Paul's schools, in Wellclose Square, including site and fittings, was £7,600; they were built for 600 children, and the cost of the building was, therefore, at the rate of £12 13*s.* 4*d.* per child. When it was considered that the Government had withdrawn the building grant, the Committee might have some conception of the enormous rate which would be required in this instance. With regard to the cost of education, working a school as close as possible, he found it impossible to get more than 8*s.* per head from the Government, although he believed there were some that could earn the full grant of 15*s.* What was the nature of the concession the Government was going to make? If 15*s.* could be earned now, what were they to get that they should give up building grants? Were they to have grants for dunces, or was more money to be voted for the children who passed? This ought to be cleared up before they went to a Division. In the parish of St. George-in-the-East, he believed that a rate of 1*s.* in the pound would be required, if the Bill passed as it stood. [Mr. W. E. Forster said there would be one rate over the whole metropolis.] What advantage would that be to him and others who were educating 600 children by voluntary subscriptions? The liberality of contributions would be checked by an enormous rate, and a ragged school in the district would be closed as a school and turned into a warehouse.

Mr. DISRAELI: Sir, the Committee finds itself in an embarrassing position, because there are now four propositions before us. There is the proposition of my hon. Friend the Member for South Devon (Sir Massey Lopes), which is intelligible, and which is made in the interests of the ratepayers who have so long and so justly complained of the incidence of our local taxation. Whatever opinion I may have as to the principle on which the Amendment is founded, with its sentiment I entirely agree, and I think the hon. Baronet was perfectly justified in calling most seriously the attention of the Committee to the proposal of the Government. Then we have the proposition of the hon. and and learned Member for Oxford (Mr. Vernon Harcourt), which appears to be a cognate proposition, but which the Committee will probably consider would lead them in a very different direction. Then, Sir, we have the proposition made by the Government, which is not before us in a formal manner. I have before had occasion to notice—and I think the Committee will feel that the observation is not altogether unfounded—that it is extremely inconvenient that in matters of this importance, when a policy is recommended by the Minister, we should not have it before us in distinct terms, and that, where almost everything depends on language, we should only be guided as to its general import by an address to Mr. Dodson. There is a fourth proposal, which has been thrown out by my right hon. Friend the Member for North Devon (Sir Stafford Northcote), which I think deserves the consideration of the Committee, though he has not at present had an opportunity of formally eliciting the opinion of the Committee upon it. Now, irrespectively of any objections which may be urged to the arbitrary amount which is fixed in the Amendment by my hon. Friend the Member for South Devon (Sir Massey Lopes), there is in my mind this great, and I would even say fatal, objection to it, that it does not profess to supply the deficiency which must arise. It proposes a limit, respecting the prudence of which it is unnecessary at the present moment to dilate. While acknowledging that there must be a deficiency, my hon. Friend makes no proposal for meeting it; and it is perfectly clear that there must be, in order to settle this question, some ultimate resource to which we can appeal, whether it be the rates or the Imperial Treasury. Sir, I will not dwell upon the proposition of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), because, while it is open to many of the objections to which my hon. Friend's proposal is liable, it has a tendency, which at the present moment I should not wish to encourage in any way, because it appears to me that unless we keep as strictly as we possibly can within the purpose of the proposal before us, which is to ascertain the mode by which these schools are to be maintained and the means by which the necessary resources are to be supplied, we shall make very litttle progress with the Bill. Now, Sir, I did not clearly understand the proposition of the right hon. Gentleman the Vice President of the Council; but, so far as I can understand it, it gives no further security for results than the proposition of my hon. Friend the Member for South Devon, because it would be quite possible that the full rate of 3*d.* might be imposed in a district and yet none of the results which the right hon. Gentleman dwelt on be secured. But the proposal of my right hon. Friend near me (Sir Stafford Northcote) does give a limit to the claim upon the local resources of the country, and, while securing the supply of the deficiency, would give a stimulus to economy and efficiency on the part of the local Boards. Under these circumstances, that is the principle which I could wish to see the Government adopt. No Amendment has yet been made on this clause in the Bill, and if the Government would accept the proposition of my right hon. Friend they might postpone the clause and bring it forward in a new shape. If, however, we are called upon to vote on the present Amendment I would remind the Committee that we are not voting at the present stage whether the rate should be limited to 1*d.* in the locality. The question as to the amount is not yet before us. I have expressed my reasons for not supporting the Amendment, without going into the question whether the amount, particularly under the circumstances in which the rate would be levied, would ever be a sufficient call upon the local resources of the country, and would secure economy and good management. The very fact that the deficiency is not supplied justifies me in not supporting the Amendment. But, Sir, the proposition of the Government appears to me to be an unsatisfactory one, and I should be glad if they would accept the proposal which has been made by my right hon. Friend near me, and bring up a clause in that spirit at a future stage. I recommended this course with the conviction that, when the question of local taxation has been dealt with by a Bill as efficient as the present one, the circumstances in which the country will find itself will render it perfectly easy to make some change in this proposition if it should be necessary. If the burden of our local taxation is more generally divided, and if those grievances which I think are justly complained of are remedied, I have no doubt that if you find that the clause embodying the suggestion of my right hon. Friend trenches too much on the Imperial Exchequer—I say I think if a system of just local taxation in the interval has been established, that there will be no difficulty in altering an arrangement which then will be generally considered as no longer necessary. The proposition of my right hon. Friend, if adopted by the Government, would meet the difficulty, and would insure economy and efficiency. It would insure the deficiency being supplied, without which no proposition can really be satisfactory to the Committee, and, on the whole, I think it would meet the difficulties of the case much better than the proposal of the right hon. Gentleman the Vice President of the Council.

Mr. GLADSTONE said, there was one observation made by the right hon. Gentleman (Mr. Disraeli) towards the close of his speech in which he (Mr. Gladstone) entirely agreed. The difficulty would be very serious if they were to confess that they could not practically deal with the matter until they had settled the question of local rating; but the right hon. Gentleman said truly that whatever was done by the present Bill with respect to burdens on rates would enter into the account which, as one might say, had been opened between local taxation and Imperial taxation. The whole of that matter stood for settlement. Much would be said on it, much repeated, much stated that had not been stated before, and much would be brought home to the minds of hon. Gentlemen opposite which, as far as he could judge, had not as yet obtained due weight with them. But considering that they were dealing with the imposition of a rate which would not operate for two years, the question of any supposed grievance could not be so immediate in its importance as some hon. Gentlemen imagined. The hon. and gallant Colonel opposite (Colonel Barttelot) complained that nothing was being done with respect to local taxation, and thought that if a Commission of Inquiry had been appointed, they would be in a more hopeful condition than at present. However, he (Mr. Gladstone) must, on the contrary, affirm that very important results had been attained on the subject of local taxation through the investigations in which the Committee had this year been engaged; and if hon. Gentlemen supposed that a question like that could be settled by summary processes, and without laying a solid foundation for the future building, they made a great mistake. The question, then, of the burden of the rate did not immediately press. The right hon. Gentleman had stated that there were four propositions before the Committee, and said that the Government proposition had not been placed in the hands of Members. He wished to correct that statement. The Government proposition stood precisely as in the printed Bill first presented to the House, with the exception that the sum of 7*s.* 6*d.* was substituted for 10*s.*, so that a considerable concession was thereby proposed to be made. When the Bill was originally brought in, it operated, as regards the ratepayer, more severely than now, as by the increase of the grant from the Consolidated Fund both to rate-aided and voluntary schools the burden imposed on the ratepayer was greatly diminished. He must point out that when this subject was originally discussed, they had no reason to suppose that, even as it then stood, the burden proposed to be laid on the rates was regarded as serious. The right hon. Gentleman asked what provision was to be made for the ultimate deficiency. Now, he had two things to say upon that point. It was quite impossible for the Government to accept the Amendment of the hon. Baronet (Sir Massey Lopes). To set up this great machinery of local Boards, local management, local powers, the appointment of schoolmasters, the dismissal of schoolmasters by the school Board, and the whole additional influence possessed by the managers of voluntary schools, and to say, all this being done, the charge by which this immense machinery was to be worked should be limited to the maximum rate of 1*d.* in the pound, was a proposition which, if not self-condemned, was one to the adoption of which he felt insurmountable objections. The question as to the proper mode of supplying ultimate deficiency might be conveniently raised on the 82nd clause, which his right hon. Friend, in concession to the fears and alarms of certain hon. Gentlemen, proposed to re-introduce. He might state, generally, that the question of deficiency after the rate of 3*d.* in the pound had been levied would by that clause be reduced within exceedingly narrow limits. That rate would be made up by the Privy Council Grant, according to the proposal of the Government, to 7*s.* 6*d.* Then there would be the school fees, said to amount on the average to 6*s.* 8*d.*—that was altogether 14*s.* odd. If the school was a well-conducted school, the Privy Council Grant, dependent on results, would very nearly double that sum. He held it to be impossible to confute that statement. Provided the school were efficient, after the rate of 3*d.* per pound had been levied there would be a sum of 28*s.* or 29*s.* per head available. Even if he were wrong to the extent of a shilling or two there would be 27*s.* per head, and his right hon. Friend had stated that the education of children in an efficient school cost only 25*s.* 7*d.* per head. He did not deny that a deficiency might exist, because the school might be inefficient. [MR. PELL: What of the building charges?] The building charges were entirely a separate matter. They need not discuss all subjects at once. He did not speak of that now. It might be dismissed from their view. He only spoke of the limit of the permanent burden. It was reduced, by the proposition of his right hon. Friend, to 3*d.* in the pound. If it were necessary to provide for the exceptional case of inefficient schools, that might fairly be postponed till they came to the 82nd clause.

MR. DIXON said, he would suggest that the Amendment should be withdrawn. If the right hon. Baronet opposite (Sir Massey Lopes), who had made such a valuable suggestion, would abstain from proposing it on that clause, and afterwards propose it as an addition to Clause 46, it would no doubt meet with considerable support on that (the Ministerial) side of the House. He should certainly support it himself.

SIR MASSEY LOPES said, he must decline to adopt the suggestion. He did not object to the education; but he strongly objected to the means by which it was proposed to raise the necessary funds. He could not see why they were to levy an income tax on one description of property. He would like to ask the Chancellor of the Exchequer what would be the effect of trying to raise a fund from personal property alone. The proposal of the Bill was unreasonable. What would the Vice President of the Council say if a special tax was proposed on the millowners of Bradford? This was a poor man's question, who would have to pay in pence, and rate, and Imperial taxation, while the lodger and the lounger went free.

SIR HENRY HOARE said, he felt certain that the Bill would prove inoperative, and would soon have to be amended. He meant when the Division was called to walk out of the House.

Question put.

The Committee *divided*:—Ayes 273; Noes 88: Majority 185.

SIR STAFFORD NORTHCOTE said, with reference to the suggestion which he had before made, he thought he should do better to defer any Motion upon the subject till the 82nd clause was reached, in order to take more time to consider the point the suggestion involved; and in the meantime he hoped the Government would see their way to make some provision for what was felt to be a great burden—namely, the building charges.

MR. VERNON HARCOURT said, he did not see how it was possible to defer the Motion, as suggested by the right hon. Baronet, as in the meantime a clause would have been passed providing that the whole deficiency should be paid out of the rates. If, therefore, the right hon. Baronet did not himself make the proposal which he had indicated, when they came to Clause 46, he (Mr. Vernon Harcourt) should move this Amendment instead—namely, that after the words "shall be paid" the words "to the extent of one-half" be added.

Clause *agreed to.*

Clause 46 (Deficiency of school fund raised out of rates).

MR. VERNON HARCOURT said, the matter had already been sufficiently discussed. He thought the suggestion made by the right hon. Baronet opposite (Sir Stafford Northcote) was a fair compromise. He regretted that the hon. Baronet (Sir Massey Lopes) should have thought fit, after the discussion which had occurred, to take a Division on the question of a 1*d.* rate; but he admitted he should have been ready under other circumstances to have defended his own proposal of one-sixth against some of the criticisms which had been directed against it. In the first place, his right hon. Friend (Mr. W. E. Forster) was mistaken in supposing that in the event of such a proposal being carried the local Boards would have no interest in economizing, for they might reduce the deficiency to so low a point that they would only have to pay one-twelfth instead of one-sixth. He did not, however, insist upon his own proposal; but would accept, as a compromise, the suggestion which had been made that the deficiency should be divided between the Consolidated Fund and the local rate. This was the proposal of the right hon. Baronet opposite, and in his opinion it was a very fair one. The deficiency would, of course, include the interest on the money borrowed for building the schools, which was to be defrayed by a charge of 6 per cent annually. It had been said that they ought not to defer this question till the incidence of local rating was settled; but they ought not to forget the speeches of the First Minister of the Crown, in which he said the income tax was so unfairly levied, that it must always be kept low. The same reason was applicable to local taxation, which, consequently, ought not to be increased. In conclusion, he would beg to move, in page 16, line 27, after the word "paid" to insert the words "to the extent of one-half of such deficiency."

Amendment proposed, in page 16, line 27, after the word "paid," to insert the words "to the extent of one-half of such deficiency." — (*Mr. Vernon Harcourt.*)

Sir LAWRENCE PALK said, he could not agree with the right hon. Gentleman at the head of the Government that the maintenance of schools was the only question to be settled, for in poor agricultural districts the building of schools was of equal importance. In many such districts the schools, although perfectly efficient at present, would not meet the future requirements of the Government, as in the poorest parishes the ratepayers would be compelled to erect school buildings according to the plans and specifications sent from the central Board in London. Now, in those parishes the rateable value was so small that, if the cost of building were spread over only about 30 years, the charge would most seriously affect that class of men who were now barely able to pay the rates. An additional 3*d.* in the pound would utterly break down and ruin them. The Amendment of the hon. and learned Member for Oxford (Mr. Vernon Harcourt) was a very fair one; and if the Government would accept it, and also continue the building grant, they would be conferring a very great boon. Hitherto building grants had been given to towns which could well afford to tax themselves; whereas such grants had been refused to the parishes which, in consequence of their poverty, were unable to carry out the requirements of the Education Department.

Mr. W. E. FORSTER said, he would remind the hon. Baronet (Sir Lawrence Palk) that the question of the building grant would probably come before the Committee when they reached the second part of the Bill, which related to the Parliamentary Grant. When that proposition was first brought forward, hon. Members on both sides of the House strongly urged that the voluntary schools and those provided by the school Boards ought to be treated on equal terms, because if they were not so treated it could not be expected that the voluntary schools would continue. The Amendment suggested by the right hon. Baronet the Member for North Devonshire (Sir Stafford Northcote), and which he wished to take time to reflect upon, had been at once adopted by his hon. and learned Friend (Mr. Vernon Harcourt), in lieu of his Amendment. This was very natural, for undoubtedly his hon. Friend had not regarded the voluntary schools with much favour in the course of these debates, and the result of the Amendment would be to put the voluntary schools in such a position that they could hardly be expected to go on. The Government would, in fact, say to all voluntary subscribers—"Whatever you get by the school fees and earn by the efficiency of your scholars, you must make up the whole of the remainder of the expense;" whereas to the rate-provided schools the Government would say—"Whatever you may get from the school fees, and from the results you produce, you are not to pay the whole, but only half of the remainder of your expenses." Thus, the voluntary schools would be over-weighted. Again, nothing could be more costly to the rates than to destroy the voluntary system, or to discourage the voluntary subscribers from continuing their contributions. If there were any districts so poor that a 3*d.* rate would not meet the deficiency, the Government would make an extra grant, and when they had heard an explanation of the mode in which it was proposed to give the extra grant, the Committee would be able to determine whether it was a just scheme or not. If, however, the Committee adopted his hon. and learned Friend's Amendment, instead of meeting exceptional cases of poverty, they would be putting the schools provided by the school Boards throughout the kingdom in a much more advantageous situation than the voluntary schools.

MR. CORRANCE said, he agreed with the right hon. Gentleman (Mr. W. E. Forster) that the rating question ought not to stand between Parliament and the education of the people; but, in arguing as he did, the right hon. Gentleman condemned the inaction of the present occupants of the Treasury Bench, for if they had acted as they had been repeatedly requested to do, the rating question would not now have been an obstacle to every social improvement.

SIR JOHN PAKINGTON said, he hoped the Government, before they came to the clauses in the Bill which related to grants, would reconsider their decision with reference to building grants, which would be most needed in the poorer districts, on which the burden imposed by the Bill would fall with the greatest severity. A Government, in bringing forward an important measure like the present, should not shrink from its legitimate consequences. It was absolutely essential that, in all the rate schools, proper schoolrooms should be provided; and he trusted the Government would see the necessity of giving the Bill every chance of working successfully.

MR. HIBBERT said, he could not vote for the Amendment; but he willingly joined in the appeal of the hon. Baronet (Sir Lawrence Palk) to the Government, as to the expediency of giving grants for building schools provided by the school Boards. The building grants to voluntary schools should, he thought, cease.

MR. DIXON said, he must confess his inability to understand the proposal of the Government. Did they propose that everything above the amount produced by a 3*d.* rate should be paid out of the Consolidated Fund, or that a certain proportion only of the excess should be paid? If only a proportion, the Committee ought to be informed what that proportion was to be.

MR. HUNT said, he must protest against the suggestion of the hon. Member for Oldham (Mr. Hibbert), that building grants should be given only to rate-supported schools. He would make a suggestion exactly in the opposite direction. With regard to the Amendment of the hon. and learned Member for Oxford (Mr. Vernon Harcourt), he coincided in the views that had been expressed by the right hon. Gentleman opposite (Mr. W. E. Forster), and could not vote for the Amendment.

MR. W. E. FORSTER said, in reply to the hon. Member for Birmingham (Mr. Dixon), he had to explain that what the Government proposal meant was, that where a district was so poor that a rate of 3*d.* in the pound did not produce 7*s.* 6*d.* per head for the children on the average attendance in schools provided by school Boards, that sum was to be made up by an extra grant out of the taxes. Suppose the rate produced only 4*s.*, then 3*s.* 6*d.* per head would be given in the shape of an extra grant quite independently of results. Then the school would go on earning by results, receiving school fees. It was true that the deficiency might possibly not be made up by that means; but no serious fear need be entertained on that point. The object of the Government proposition was to give exceptional aid to districts where exceptional poverty prevailed, and he thought, when they came to Clause 82, he would be able to show that it would enable those districts to work their schools.

MR. PELL said, he believed there were many instances in England and Wales which would not be met by the proposals of the right hon. Gentleman.

According to Mr. Fearon's Report, 22,000 children in Liverpool were not receiving education, and he did not see that, under the clause, any extra Parliamentary Grant would go to the town of Liverpool.

Mr. W. E. FORSTER said, the clause would, of course, not apply, because much less than a 3*d.* rate would suffice in this case.

Mr. VERNON HARCOURT said, the question now to be decided was whether or not the local rate should bear the whole of the deficiency in the rate-aided schools. He must say that the right hon. Gentleman had thrown some dust in the eyes of the Committee, and it was necessary to remind them that the clause did not touch the case of voluntary schools, but did state that the whole of the deficiency should be paid out of the rates. The right hon. Gentleman (Sir Stafford Northcote) had suggested a limitation of one-half; but then, with a want of courage which was singular on that side of the House, he had run away from his opinion. He (Mr. Vernon Harcourt) did not intend to run away; but would divide the Committee on his Amendment.

Sir STAFFORD NORTHCOTE said, he had not run away from his opinion. for he intended to vote with the hon, and learned Member. He had thought it desirable to wait for the Government proposal before making an Amendment; but as the hon. and learned Member had taken the responsibility of moving such an Amendment, he should support it.

Mr. GLADSTONE said, the Government not being pledged with regard to the building grant, it might be worth while to consider whether anything could be done to meet a sudden and great demand upon the rates; and a proposal, in the direction suggested by the right hon. Baronet the Member for Droitwich (Sir John Pakington), might be made hereafter.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 21; Noes 176: Majority 155.

Mr. PELL said, he would beg to move, in page 16, line 28, to leave out "the local rate," and insert—

"A separate rate to be called a school rate to be levied, except in the cases hereafter provided, in the same manner as the local rate."

The proposition of the Government was to take the school rate out of what he might call the Consolidated Fund of the local rates, which would be nearly as dangerous as if they took it out of the Consolidated Fund of the general taxes. He proposed that there should be a distinct and separate demand for the school rate, so that the ratepayers might know exactly what they were charged, and might watch the working of this new experiment.

Mr. W. E. FORSTER said, he hoped the hon. Member would not press his Amendment. In the greater number of cases the school rate would be levied in the same way as the highway rate or the police rate. As his hon. Friend knew, it was under consideration whether there ought not to be one general rate for all local purposes. He was sure this Amendment would defeat the object his hon. Friend had so much at heart—to save the pockets of the ratepayers — by adding the expense of a separate collection.

Mr. WHEELHOUSE said, he thought that at least there should be a separate line of charge for the school rate, so that people might know how much it amounted to in the pound.

Mr. HOLT said, he thought that the rate would be placed in a separate line of charge.

Sir MASSEY LOPES said, there was nothing novel in the proposal contained in the Amendment. The practice, he understood, was adopted in Scotland, and it would satisfy the ratepayers if they saw the amount of the rate set forth on the paper.

Mr. W. E. FORSTER said, he could not at once pledge himself to agree even to this Amendment, though he did not object to it. He imagined, indeed, that its principle was already in the clause; but he would consult the draftsman, and see if it could, without inconvenience, be rendered more clear.

Mr. CANDLISH said, he hoped that the right hon. Gentleman would not accept the Amendment, the object of which was, by exhibiting the amount of the rate, to make the Act unpopular. ["No, no!"] He would not be deterred from stating his own conclusions. The tendency of all such measures was to add to the expense of the rate and to make it unpopular.

Lord ROBERT MONTAGU said, it

was hardly fair to ascribe such motives to those on his side of the House. Their object was to carry out the best possible measure with as little expense as possible. As to the plan proposed by the hon. Member, they all knew that in London every separate item, such as lighting, paving, police, main drainage, and so forth, with the separate rate of charge for each, was set forth in the notice paper for the local rates.

MR. GLADSTONE said, he was afraid he must oppose the plan. Taking this Amendment in conjunction with some others that the hon. Gentleman had on the Paper, he thought it would amount to a revolution in the law of rating.

MR. PELL said, he must deny that he had any such intention. In towns nothing was more common than that the rate for sewers, free libraries, museums, &c., was distinctly charged; and as they were about in some cases to establish free schools, his object was to induce the small ratepayers to watch any increase in the expenditure, and see that the school Board did not pass the scholars in too freely.

MR. CORBETT said, he knew that in certain districts the county rate and the police rate were often blamed as the cause of an increase for which they were quite innocent, owing to this separation not being made.

MR. M'LAREN said, the system would lead to great trouble and expense. They would have to calculate such fractions as one-tenth or two-twelfths of a penny, and these fractions would add greatly to the expense of making out the notices.

Amendment *negatived.*

MR. KENNAWAY said, he rose to move the Amendment of which he had given Notice—namely, in page 16, line 35, at the end, to add—

> "Provided always, That when a parish as defined under this Act, or under the Act of the thirty-first and thirty-second years of the reign of Her present Majesty, chapter one hundred and nine, possessing a sufficient amount of public school accommodation, is situate within a school district or school districts as formed under this Act, the like persons, being resident in such parish, as are authorized to apply for a public inquiry after the first returns under this Act may, if they feel aggrieved, apply in like manner for public inquiry, and the Education Department shall cause a public inquiry to be held in manner provided by this Act, and shall consider the report made to them upon such inquiry; and if upon such report the Education Department shall be satisfied that a claim has been made out by such parish for exemption, they shall serve their precept on the rating authority of the school district in which such parish is situate, requiring such authority to deduct from the amount of rate otherwise chargeable under this Act in respect of such parish such a sum, and for such a time as the Education Department may under all the circumstances deem to be just."

This Amendment proposed to give to the Education Department, after investigation, power to remit in certain cases a part or the whole of the rates which might fall on any parish. This exemption, he submitted, was in perfect accordance with the spirit and principle of the Bill as introduced by the Government, which he took to be not to provide an entirely new system of education, but to supply the deficiencies of that which now existed. The right hon. Gentleman himself had said that it was neither his duty nor his wish to discourage voluntary efforts. But it was because in many cases this Bill, as it stood, would discourage voluntary contributions and wipe out voluntary schools that he submitted the Amendment. If a hard and fast line were drawn it would certainly entail hardship in many instances, and his object was that there should be authority to alleviate that hardship where justice seemed to demand it. Certain portions of a borough might be already very well supplied with schools, while others would have to meet their deficiencies by rating, and it might be very unjust to exact contributions from the former. In many places where districts had been formed out of parishes, and where schools had been provided at great expense, it would be very hard to call upon those districts to pay a contribution to the rates of the parish. A precedent for the exemption he proposed was to be found in a very important Act—the Public Health Act of 1848—and also in the Local Government Act of 1858, and thus it appeared that Parliament had deliberately adopted the principle, as there was an interval of 10 years between the two Acts. For what he proposed no fresh rating area or fresh rating authority would be required; there would be no new boundaries to be drawn; all that was necessary would be that in boroughs the rate should not be collected, or only partially collected, from certain parishes; and in such districts as he had mentioned there would be no difficulty in withdrawing certain tenements from the rate, as was done with regard to the sewers' rate under the Public Health Act. It might be objected that there were many parts of boroughs where the poor were collected in one quarter and the rich in another, and that the latter might say they had built schools of their own, and would not contribute to the schools of the poor. That objection might hold good if a hard and fast line were drawn; but the rich part of a borough would hardly have the face to come to the Education Department and say they declined to bear any portion of the rate for the schools of the poor. The right hon. Gentleman desired to educate the children who were now neglected. He had bestowed much time and attention on the measure, and had overcome great difficulties with regard to it. He hoped he would not hesitate to do this act of justice, otherwise he would inflict a heavy blow and great discouragement on those who had borne the burden and heat of the day. The hon. Gentleman concluded by moving his Amendment.

Amendment *moved.*

Mr. W. E. FORSTER said, he must congratulate the hon. Gentleman for the very clear way in which he had stated his case; but he was sorry he could not accede to the Amendment. The question that had been discussed on Tuesday was practically the same—namely, whether they could in any case divide the unit of rating; and after full debate the Committee came to the conclusion they could not. He thought they ought to take the same area for the school rate as for the poor rate.

Mr. STEPHEN CAVE said, he was sorry the right hon. Gentleman could not agree to this Amendment. The precedent of the drainage rate, to which his hon. Friend (Mr. Kennaway) had referred, was one exactly in point; for several Acts of Parliament had enacted that when drainage was required for one district in a parish the inhabitants of that district should be called upon to bear the expense, instead of that expense being defrayed by the whole parish. There would be no risk of separating the rich from the poor, because all that his hon. Friend asked was that the consideration of this matter should be left to the Education Department, and any application on this point should be determined by them after due inquiry. The result of drawing this hard and fast line would be to make many who had hitherto subscribed to voluntary schools withdraw their subscriptions; because if they found, in spite of establishing and supporting efficient schools in their own neighbourhood, they were called upon to contribute to the education of another district, they would leave everything to be done out of the rates. In the interests, therefore, of the voluntary schools he regretted that the right hon. Gentleman would not concur in the Amendment moved by his hon. Friend with so much ability.

Dr. BREWER said, he maintained that the adoption of the Amendment would, especially in many portions of the metropolis, relieve the richer districts from any contribution towards the educational necessities of their poorer neighbours. He hoped the Government would not entertain any such proposition. He did not believe that the enforced contributions towards these schools would lead to the neglect of the voluntary schools, because in the former the discipline would necessarily be more strict than in the latter.

Mr. GATHORNE HARDY said, that there might be something in the hon. Gentleman's (Dr. Brewer's) argument if the wealthy districts were always well supplied with schools and the poorer districts educationally destitute. This was, however, far from being the fact, and he (Mr. Gathorne Hardy) personally knew of cases where the poorer districts had, by great efforts, done all that was necessary for themselves—there were parts of the metropolis where there was not a £20 house in the whole district, which had supplied themselves, not only with schools of the lowest class, but also of the lower middle class—and these districts would, if the proposal of his hon. Friend (Mr. Kennaway) were not adopted, be called upon to contribute towards the richer districts in which this duty had been neglected. Assuming that in one district there was an ample supply of schools, and in its three neighbours a great deficiency, was it just or reasonable, without a full inquiry by the Educational Department, to call upon those who had performed their duty to make up for the shortcomings of their neighbours? Again, to unite parishes for the purpose of forming a school-rating district would operate very unjustly to some parishes. It was to be remembered that all the associations and affections of men were often confined to the parish in which they lived and died, and they would be very unwilling to see the advantages arising out of their benefactions to their parish bestowed on others. The matter had not, it was true, been entirely lost sight of; but the Amendment proposed by his hon. Friend would more effectually secure the object intended. He hoped his right hon. Friend (Mr. Kennaway) would hesitate to mulct those who had done their duty; who had done what was required in their localities by voluntary means, who did not ask for anything more than the ordinary Parliamentary Grant, and who only asked that they might escape the fine inflicted on those who had not done their duty.

MR. W. E. FORSTER said, Clause 34 was designed to enable a parish which was supplied to object to being united with a parish that was not supplied, and on the bringing up of the Report he proposed to insert words which would explain this more clearly. With regard to some parishes, he did not deny that hardship might be inflicted occasionally; but you could not avoid that, unless you drew a cordon around every place that was provided, and, of course, it would be quite impossible to do that. Credit must be given to the Government for having endeavoured to do as much as they could; strong pressure was brought to bear upon them to divide the country once for all into school districts, with school Boards, but they resisted that pressure, because they thought it would be just to enable districts that were well provided to be let alone; but if you went below the parochial unit you would be plunged in difficulties which it would be better to avoid by having school Boards everywhere.

MR. BERESFORD HOPE observed, that under the Duke of Marlborough's Act these ecclesiastical districts had become real parishes.

SIR JOHN PAKINGTON said, he thought the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) had scarcely been answered. Of course, it was impossible in a Bill of this kind to cover every case; but it ought to confer power upon the Department to deal with exceptional cases as they occurred. He received a letter yesterday morning relating to an ecclesiastical district, fully supplied with schools, cut out of a parish by no means well supplied; and the inhabitants of the district were naturally anxious to know whether they were to be taxed to provide schools for the rest of the extensive parish. Such cases as these ought to receive the attention of the Education Department, which ought to have power to deal with them.

MR. CANDLISH said, he hoped the Vice President of the Council would not entangle himself with subdivisions and would not arm himself with powers which he might depend upon it he would be called upon to exercise from all quarters. As to districts being carved out of municipalities and special rates levied upon them, that was never done to the satisfaction of anyone concerned, for no rate could be levied with a strict regard to all equities. The supposed injustice would be inflicted upon the poor, and even a 4*d.* rate upon a £6 rental was only 2*s.*, or not a halfpenny a week. If the right hon. Gentleman attempted to administer equity street by street he would be involved in inextricable difficulty.

MR. W. E. FORSTER said, he would remind the Committee of the little progress that had been made that evening. This very question had been previously debated for several hours, when the same arguments were used. He could only repeat what he had said—that the Department could not undertake the responsibility of finding out what persons had done their duty and ought to be relieved from rates. For the reasons he had already stated the Government could not accept the Amendment.

LORD ROBERT MONTAGU said, he hoped the hon. Member (Mr. Kennaway) would not divide, because there must be some unit, and whichever unit was chosen some hardships must inevitably be inflicted. If a larger unit containing a school were chosen, the whole would be taxed to supply a part where the inhabitants had done nothing for themselves. If a smaller district, or part of a parish were taken, then that part which contained the school buildings would be free from taxation, although the whole parish had contributed to the expense of building them; while the remaining parts of the parish would all be taxed over again. Thus, in either way, a district well supplied with schools would be taxed a second time for the good of an unsupplied district.

Sir JOHN HANMER said, he hoped the right hon. Gentleman (Mr. W. E. Forster) would not consent to interfere, unless good cause could be shown, with ancient boundaries to which the people were attached.

Mr. CUBITT said, a parish was not so easily and simply dealt with as some imagined. In his own county there were civil parishes of large extent and population; some parishes contained six ecclesiastical districts; and if one of the six had been neglected and the other five were furnished with schools, was it right or fair that the one should cause the other five to be taxed, and to be brought under a school Board which was required for only a small part of the parish? They did not propose to make new boundaries or landmarks, they only wished for a proper consideration of those already fixed by law.

Mr. KENNAWAY said, he had been misunderstood as proposing new boundaries, whereas he had chosen those that were clearly defined. Regretting that the Committee would not accept his Amendment, he preferred to have it negatived.

Amendment *negatived.*

Mr. PELL said, he would beg to move, in page 17, line 2, at end, to add—

> "Provided always, That the owner of any tithes or any tithe commutation rent-charge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under any Act of Parliament for public conveyance, shall pay, in respect of the said property, one-fourth part only of the rate in the pound payable in respect of houses and other property."

In reference to the statement of the First Minister of the Crown that he was proposing new and revolutionary changes in the system of rating, he desired to point out that the rates with regard to public libraries, museums, and in reference to the public health, levied as they were for the purpose of improving the human mind and body, were collected on the principle he proposed to introduce into the Bill; but under the measure as it now stood a man employing in a factory 20 or 30 persons might only be called on to pay an education rate of £1, while a farmer employing only one or two might have to pay £4.

*Lord Robert Montagu*

Mr. C. S. READ thought that the Prime Minister had, though unintentionally, reflected unjustly on his hon. Friend, for the words employed by the hon. Member were extracted from Acts passed by an Administration of which the right hon. Gentleman was a leading Member, and which referred to subjects bearing exact analogy to the matter of the present Bill. They were told that farmers were afraid of a rate, and a 3*d.* rate might appear a small matter; but he could assure the Committee that it was to the farmer equal to a 6*d.* income tax. With regard to the rate, he objected not so much to a rate being levied as to the mode in which it was to be levied. Instead of being levied on the rental of an hereditament, it should be levied on the profits produced.

Mr. GOSCHEN said, he trusted the hon. Member would not press the Proviso, which would in such a district as St. George's-in-the-East throw an additional burden on the poorer inhabitants, while exempting a railway company from three-fourths of the rate.

Amendment, by leave, *withdrawn.*

Sir CHARLES ADDERLEY said, he would beg to move, in page 17, after line 20, to insert—

> "Ratepayers voluntarily subscribing to public elementary schools approved by the Educational Department within any district shall be entitled to deduct such subscription from any contribution to the local rates made for a school Board to which they would otherwise be liable."

His idea was that those who had already voluntarily taxed themselves for the great public object of advancing education should not be taxed twice, while those who would be compulsorily brought in, to carry out what had voluntarily been established, would only be taxed once. The effect of the Amendment upon the latter would be to call upon them to make good their defaulting volunteer in the past, and for the future put all on an equality in the national cause. The object of the Bill should be, with all thanks for service done, to supply what was wanting by rating defaulting contributors—that those who had done nothing hitherto should be made to take their share. The rate was in lieu of subscriptions. If the Bill remained in its present shape three-fourths of the burden, or, he might say, nine-tenths, would rest on the willing men who had been for years engaged in establishing the present system. Take the case of Stoke-upon-Trent. The Church people had there supplied all the existing schools. When a school Board was formed, and a rate had to be levied for new schools, the Church people, who possessed the greater portion of all property in the place, would not only be called upon to maintain all the existing schools, but they would have to bear in addition nine-tenths of the expenses rendered necessary for supplementary schools, in order to complete the system. On grounds of expediency it was not wise to put this premium on the extinction of volunteers. Were they so sure that the tax on the unwilling would supply the discarded benevolences? It was all very well for those whose object it was to destroy the existing national schools—as the hon. and learned Member for Oxford had plainly stated it to be his desire—to support the line taken in the Bill. He had no doubt hon. Members below the Gangway would adopt that view, and boldly confess their jealousy of what had been done, and express their desire to supersede rather than supplement it; but he ventured to say that as soon as the scheme was seen through, the League would run the risk of losing its position before the public. The measure, in their view, should be called a Bill for superseding, and not for providing, national education. Even the Prime Minister had treated the offer of a higher Treasury Grant as a bonus to the volunteers, now it was offered to both alike. He proposed that the doubly weighted should be made equal with the singly weighted in this race of national service. He could hardly conceive that any answer could be made to his proposition, except as to the possibility of carrying it out. But it was not impracticable; it might be effected by adopting the American and Canadian principle—namely, that subject to the approval of the schools by the central authority, everyone might contribute to national education, either voluntarily or by rate; in fact, might have an option in appropriating their contribution to any recognized schools, and if they were to follow that principle it would not be the first lesson they had learnt from the Colonies. He thought his right hon. Friend the Vice President of the Council would find great difficulty in resisting the proposition on the ground of justice, expediency, or possibility.

MR. W. E. FORSTER said, that his right hon. Friend (Sir Charles Adderley) had not given the Government the credit of having shown any great desire to consider the case of voluntary schools. But they had been really most desirous to do so, and in that way had raised considerable opposition, and, to some extent, endangered their measure. Their object throughout had not been any great care for one system over the other, but to get the education of the people provided for, and to use all the force which existed in the country for providing it. He believed the overweighting of which the right hon. Gentleman complained would not really be felt. On the one hand, they had given full scope to municipal action; and, on the other, offered no discouragement to that benevolent force that had done so much and would do so much more. The subscribers to those schools to which his right hon. Friend alluded gave the Government credit for that desire, and he did not believe they would support this Amendment. If applied to the poor rate, the proposition would amount to this—that those who did their duty as neighbours, and performed the acts of charity in which he feared most of them were too remiss, should be able to set off their benefactions as against the poor rate. Would they not almost consider it an insult to be exempted from poor rate because they performed their private duty? He did not believe that those benevolent gentlemen who had supported these schools with so much liberality would thank his right hon. Friend for proposing that they should be excluded in the school district from promoting the schools necessary for that district. For what would be the result? They would have nothing to do with their management. The whole management and expenditure of the school fund would be thrown into the hands of those who had not cared to do their duty hitherto in this matter of education. It was not, therefore, solely on the score of practical difficulty, but also on the ground of principle, that he opposed this Amendment.

Amendment *negatived.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 47 (Apportionment of school fund in united and contributory district).

MR. STEPHEN CAVE said, the clause enabled contributions to be sent from the school Board of one parish to the school Board in another parish; but he wished to know if that could be done in cases where there was no school Board in the contributing parish? If not, the result might be very unsatisfactory, as there were some parishes which might prefer to have no school Board, and yet might be willing to make a voluntary contribution to a neighbouring parish with a school Board and a rate-aided school, in return for taking their children from an outlying district. The alternative might be an inferior school in that district.

Mr. W. E. FORSTER said, the case was met by a previous clause, the 41st. A school district in which there was no school Board might contribute to one in which there was a school Board.

Clause *agreed to.*

Clause 48 *agreed to.*

Clause 49 (Expense of providing school may be spread over thirty years).

Mr. GATHORNE HARDY said, he hoped that in agreeing to that clause the Committee would not be precluded from discussing at a subsequent portion of the Bill the question as to giving building grants.

Mr. W. E. FORSTER: Certainly not.

Clause *agreed to.*

Clause 50 (Accounts to be made up and examined).

Mr. HIBBERT said, he wished to move an Amendment. By the clause as it stood the accounts in different places were to be made up at different times; but it was very desirable that they should all be made up at one date, so that the audit should take place at the same time in every case. The Amendment which he moved would have the effect of making that arrangement.

Mr. W. E. FORSTER said, he had no objection to the Amendment.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 51 (Audit in a borough).

Lord ROBERT MONTAGU said, he would not move any Amendment; but desired to draw the attention of the First Lord of the Treasury to the unsatisfactory mode of auditing provided in this clause. It was proposed that in boroughs the auditing should be done by the auditor of the Town Council. Now, the Town Council, he believed, appointed their own auditor, who was to render his audit to the Town Council. But when persons rendered an account and audited it themselves it could not be said that there was any real auditing. The same objection applied, in some measure, to the auditing in the rural districts, as proposed by the Bill. He trusted, therefore, that some better system would be devised.

Mr. HIBBERT said, he would propose to omit the clause, in order that the audit should be made by the Poor Law auditor.

Mr. GOSCHEN said, the Poor Law auditors had power to disallow all charges which were not properly incurred. They made a searching examination, and a number of items were continually disallowed. He hoped the clause would be omitted.

Clause *withdrawn.*

Clause 52 (Audit in a district not a borough).

Amendment proposed, in page 19, line 1, to leave out from "from" to "department" in line 2, both inclusive, and insert—

> "The auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by such of the auditors of the said audit district as the Poor Law Board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor."—(*Mr. W. E. Forster.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 53 *agreed to.*

Clause 54 (Publication of accounts).

Mr. ASSHETON CROSS said, he wished to move an Amendment providing that the balance-sheets should be published in the local newspaper. The evidence given before the Committee which sat on the subject of County Financial Boards showed that in all cases where the accounts were advertised in the local papers no complaints were made, although the expenditure was greater than in those cases where the accounts were not so published, and respecting which complaints were numerous. Publicity allayed suspicion.

Amendment proposed, in page 20, line 17, after the word "Department," to insert the words "and shall publish an abstract of the same in some local newspaper circulating in the district in which the school Board is situate."—(*Mr. Cross.*)

MR. W. E. FORSTER said, he must object to the Amendment, which would put the school Boards to considerable expense. He would remind the hon. Member that any ratepayer could obtain a balance-sheet for 6*d.* under the clause.

MR. A. F. EGERTON said, the cost of advertising the accounts in a local newspaper would be about 3*s.* 6*d.*

MR. HIBBERT said, he would suggest that the statement of accounts should be furnished to ratepayers for 1*d.* instead of 6*d.*

MR. GOLDNEY said, he would suggest to the hon. Member for South-west Lancashire (Mr. Cross) to make the publication in newspapers permissive, and not obligatory.

MR. COWPER-TEMPLE said, it would be very imprudent to give the newspapers of a district a vested right to advertisements.

MR. CANDLISH thought that an abstract might be published.

MR. W. E. FORSTER said, that the school Boards might have the option; but certainly they ought not to be compelled to publish the accounts in the manner proposed.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 89; Noes 217: Majority 128.

Amendment proposed, in page 20, line 17, after "departure," to insert—

"And may if they think fit publish such statement, or an abstract thereof, in any local newspaper or newspapers circulating within the district."—(*Mr. W. E. Forster.*)

MR. MUNTZ objected to such an unnecessary waste of money.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 55 (Proceedings on default by school Board).

LORD JOHN MANNERS said, he would suggest that as the clause enabled the Committee of Council to nominate persons to act as members of a school Board, in case the selected members did not carry out the provisions of the Bill, it would be well to insert words stating that the Committee acted after "full inquiry" or for "full and sufficient reasons," or some words of a similar effect.

MR. W. E. FORSTER said, he was obliged to the noble Lord. The Committee would be glad to satisfy the public that they did not act without reason, and he would consider whether effect might not be given to the noble Lord's suggestion.

MR. CORRANCE said, he would beg to move, in page 20, line 39, after "Act" to insert—

"Save and except any provision for making or levying a rate, or the appointment of any officer or officers to act as overseers within such place, or any access to any valuation lists or rate books for the said purpose, unless under the sanction of the rating authority for the said district given as by law otherwise prescribed."

Rating power had been granted to the school Boards, and the moment a school Board became defaulters the power fell into the hands of the Education Department, whose interference practically did away with local administration. He hoped that very exceptional power would not be granted.

MR. W. E. FORSTER said, the Government had every confidence in municipal action; but they must have some security that the work required to be done by the school Boards would be done. The security they took was the power to step in and do the work themselves if it was not otherwise done. The power taken by the clause was intended to be a stringent one; but it would be altogether nugatory if the Amendment of the hon. Member were adopted.

Amendment *negatived.*

LORD CLAUD JOHN HAMILTON said, he thought that in justice to the Irish Members, and in pursuance of the promise given to them, the Chairman ought now to be directed to report Progress. The noble Lord then moved to report Progress.

MR. GLADSTONE said, the Processions (Ireland) Bill had been put down to have the second turn; but he was not aware of any promise, except that the Bill was to have the second turn. A Bill in that order must await the convenience and the disposition of the House with regard to the principal Bill. The University Tests Bill stood in that position some nights ago, but it was not found convenient to take it. He thought it was clearly for the public convenience and the convenience of the House that the Committee should make all possible progress with the education question.

SIR FREDERICK W. HEYGATE said, he wished to confirm what had been stated by the noble Lord. It had been understood by the Irish Members that the Chief Secretary was anxious to make a statement in regard to the Processions (Ireland) Bill, and that he would give them an opportunity of discussing that subject at a reasonable hour. If the Education Bill was important to England, so also was it extremely important to Ireland that that question should be discussed, and that the opinions of the Government should be clearly stated upon it. The anniversary to which people in that country were looking forward would occur next week, and if the Bill were not brought on that night there was no other chance of the subject being fairly discussed before that event.

LORD JOHN MANNERS said, he had understood the Chief Secretary to say that he would make a statement in respect to party processions in Ireland that night, and it would be most unreasonable to expect the House to hear such a statement if other hon. Gentlemen were not to have an opportunity of deliberately expressing their opinions also. At the same time, he would suggest that the clause under discussion should be disposed of before Progress was reported.

MR. CHICHESTER FORTESCUE said, he had never intended or desired to make a statement except at an hour that would give a reasonable opportunity for others to follow him, and he had promised not to bring on the Processions (Ireland) Bill after half-past 12.

MR. W. JOHNSTON said, he felt that the Irish Members had been much trifled with by the Government in respect to the Processions Bill, which had been distinctly understood would be the second Order that night, and would be taken at an hour when there could be a full discussion.

MR. GLADSTONE said, the only engagement on the subject was that the Processions Bill would not be brought on after a certain hour, and he must appeal to the feeling of the Committee as to the propriety of continuing the discussion of the first Order.

MR. A. F. EGERTON said, he was afraid the Factories and Workshops Bill, which stood lower on the Paper than the Party Processions Bill, would not be reached till about three in the morning.

SIR HERVEY BRUCE said, the Chief Secretary had promised to make his statement that evening, provided the University Tests Bill had been previously read the third time.

*Sir Frederick W. Heygate*

SIR THOMAS BATESON said, in reply to the statement of the First Minister of the Crown, he must say that on Monday week he asked the Chief Secretary to fix a day, previous to the Assizes, for discussing the Processions Bill, when he replied that he would put it on the Paper for Monday, July 4th, and if he could not then bring it on he would name another day for doing so. Last Monday the Chief Secretary accordingly fixed the Bill for that night.

COLONEL STUART KNOX said, he also wished to set the First Minister right. He maintained that a distinct understanding had been come to that the Processions Bill should be brought on at a reasonable hour that evening.

MR. CHICHESTER FORTESCUE said, he could assure the House that he was really anxious to meet its convenience, and he was authorized to say that the right hon. Gentleman (Mr. Gladstone) would enable him to make the statement on the subject on Monday next, not later than 11 o'clock.

MR. W. JOHNSTON said, that, as far as he was personally concerned, Monday would not be a convenient day. In the North of Ireland it would be thought that the Government wanted to get rid of that question.

LORD CLAUD JOHN HAMILTON said, though not satisfied with the promise of the Government, he was willing to withdraw his Motion to allow the Clause then before the Committee to be passed.

Motion, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

LORD CLAUD JOHN HAMILTON moved that Progress be reported.

MR. GLADSTONE said, he believed that, although it was hardly possible for more than one side to be right in a quarrel, it was perfectly possible for both sides to be wrong. The noble Lord opposite (Lord Claud John Hamilton), without being able to show that any engagement had been made, had done what was most unreasonable in endeavouring to interfere with the progress of the Education Bill. From the indications which the noble Lord had given he had no doubt as to what the result would be, and, therefore, as he did not wish to be in the wrong with the noble Lord, he would give way, only asking that the next two clauses, which were of a merely formal character, and which his right hon. Friend (Mr. W. E. Forster) wished to have taken that night, might be allowed to pass.

LORD CLAUD JOHN HAMILTON said, he was quite content to let others decide who was in the wrong on that occasion. If the Chief Secretary had used ambiguous language, the responsibility for any misunderstanding that had arisen in consequence did not rest with his (the Opposition) side of the House. He was, however, ready to accede to their now disposing of the next two clauses.

Motion, by leave, *withdrawn.*

Clauses 56 and 57 *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow,* at Two of the Clock.

### PROCESSIONS (IRELAND) BILL.

(*Mr. Chichester Fortescue, Mr. Solicitor General for Ireland.*)

[BILL 170.] SECOND READING.

Order for Second Reading read.

MR. CHICHESTER FORTESCUE, in rising to move that the Bill be now read a second time, said, he had brought it forward in strict accordance with an announcement which he made upon the second reading of the Bill introduced by his hon. Friend the Member for Belfast (Mr. W. Johnston), to repeal the present Party Processions (Ireland) Act. Upon that occasion he stated that he would accede to the second reading solely on condition that he should introduce, on the part of the Government, an alternative measure dealing with processions of all kinds in Ireland, and he made his consent to the repeal of the Party Processions Act absolutely dependent on the adoption by the House of that alternative measure. The distinction between this Bill and the Party Processions Act might be described in this way—The Act now in force was an Act to prevent party processions; this Bill was directed against processions of all kinds in Ireland which were calculated to endanger the public peace and order and the good understanding which ought to prevail among Her Majesty's subjects in that country. There was one clause in the Bill which he believed would have been valuable for the peace of Ireland, and he could not see that it would in any way interfere with the liberty of the subject or produce ill feeling between different classes. Nevertheless, the clause was of an exceptional character, to be justified only by exceptional circumstances, and though he maintained his own view of the case, he was willing to admit that there was great difference of opinion with regard to it. The clause to which he alluded was the 5th, which enabled the Lord Lieutenant, if he apprehended that any procession would fall under any of the heads enumerated in the preceding clause, to issue a proclamation forbidding it, upon which it would become absolutely illegal. He was ready to withdraw that clause. He was very anxious, particularly at this period of the Session, not to multiply controversies—above all, angry controversies—and he did not wish to ask for any power beyond what the Irish Government thought absolutely necessary to enable them to perform their duty. He was quite ready, therefore—and he trusted what he said would be taken in good part—to withdraw that clause. In addition to that it would be wise, in his opinion, to make this a temporary measure. He trusted the time was not far distant when we could dispense with any legislation of an exceptional character in regard to Ireland. He entertained that opinion very strongly. The time had not yet arrived; but he hoped it was not far distant. He begged the House to regard the Bill as consisting of the 4th clause, with an additional one which would make it last a short period. It would facilitate discussion if they conceived the Bill to stand in that shape. [An hon. MEMBER: For how long is it to be in force?] He would not at present pledge himself as to the time to which the Bill would be limited; but it would be short. The Bill, then, would consist of the 4th clause, which undoubtedly was both comprehensive and important. The effect of that clause would be to re-enact in its essence, but with considerable changes, and, as he believed, improvements, the present Party Processions Act. The change which it made was this—it left out of view those particulars with regard to party tunes and party flags which, in his belief, had constituted the great difficulty in the working of the Party Processions Act. It was well known to all who knew anything about the matter that the Courts of Law had pronounced a variety of decisions and given different interpretations of the Act, which had the effect of rendering its operation very uncertain and not a little embarrassing, because it was by no means clear what was a party tune and what a party flag or banner. There had been many decisions that a certain tune was not a party tune or a certain flag a party flag, though the playing of the tune and the exhibition of the flag had the very same effect in producing animosity and ill-will as if the tune and the flag had been pronounced to be of a different character. They all knew the controversy which had raged on the subject of the green flag, and, for his own part, he certainly sympathized very considerably with those who said that green was not a party, but a national colour; but yet it was used for party purposes. The legal difficulty, at any rate, existed, and had greatly embarrassed the working of the Act. Processions, again, were of different degrees of importance, and some were wholly insignificant. What he now proposed to do was to leave out those words which had been the cause of difficulty and confusion, and to confine the Act to those real and serious matters with which it was the object of the former Act as well as the Bill to deal—namely, "processions, or the parading together of persons calculated or tending to provoke animosity between different classes of Her Majesty's subjects." On the one hand, it would not be necessary to treat a procession as partaking of that character merely because it was accompanied by certain flags or banners; on the other hand, the fact that a flag was crimson instead of orange, or the fact that one tune was played instead of another, would not take a procession out of the statute, provided that, in the opinion of the Law Officer, who alone could institute proceedings in these cases, and of the jury, who alone could find the parties guilty, a procession did really partake of the character described in the Bill. Another change proposed by this Bill was that the jurisdiction of the magistrates in these matters should be entirely excluded. The cases were extremely difficult for magistrates to deal with, and they were very unwilling to enter upon them. Under the Bill, therefore, proceedings could only be taken at the instance of the Officers of the Crown, and that by way of prosecution at the quarter sessions. The Bill, moreover, was not confined to party processions. In accordance with the undertaking he had given, it extended to objectionable processions of every kind. These were the processions aimed at by the words, following those he had already read—"or to promote, propagate, or encourage treason or sedition." Here, again, it would depend on the Government whether they thought it right and necessary to institute proceedings against those taking part in such processions. But it would be no longer possible for anyone in the North of Ireland to say that there was a law upon the statute book which dealt unfairly with processions in that part of Ireland, while other processions of a more serious and dangerous character were left to be controlled only by the common law of the land. One special purpose was included in the Act which ought to be mentioned, for it was totally distinct from the act of playing any particular tune or carrying any particular flag, and yet deserved to be controlled by law. This was the provision under which any processions of persons parading together, or joining a procession, who should bear or have among them any fire-arms or other offensive weapons, became an illegal procession. The wording of this clause would require some further definition so as to require the carrying of arms to be open, for, of course, it was not intended that any person joining in a procession should be rendered responsible for the secret act of some other person who might have a weapon concealed about him; but the object was to check the practice of persons joining or parading in procession carrying fire-arms with them. No one could doubt that this was an objectionable and dangerous practice, or one which deserved to be controlled by law. He had seen it stated that the Bill was sure to interfere with the right of public meeting. A more entire delusion or misrepresentation of the objects of the Bill it would be impossible to conceive. The Bill interfered in no respect with the right of public meeting. What it did was to render illegal and subject to prosecution parades and processions in which persons should bear fire-arms or other offensive weapons; parades and processions of persons calculated or tending to promote animosity between different classes of Her Majesty's subjects, or to provoke a breach of the peace; and, lastly, parades and processions tending to promote, propagate, or encourage sedition or treason.

All those forms of processions were treated by the Bill as demonstrations hostile to the peace and tranquillity of the country, and as demonstrations entirely unfitted to the present condition of Ireland, which it was wise, therefore, that the law of the land and the Executive Government should check and control. He did not mean to imply that all these processions were equally dangerous or serious in their character; but the Government sought by the Bill to apply to all of them an impartial administration of the law. It would be in the recollection of the House that he had promised to introduce this Bill as an alternative measure, and he hoped it would prove acceptable even to those who were opposed to the present Party Processions Act; but he had distinctly told the hon. Member for Belfast, on a former occasion, that he could not consent to his proceeding further with the Bill for repealing the Party Processions Act, until this alternative measure had been introduced. He had now fulfilled his promise, and he respectfully advised Gentlemen at both sides of the House to accept this measure, which dealt with perfect impartiality with all objectionable processions, no matter what their creed or colour, and made any allegations of unfairness impossible. He knew there were some enthusiastic Gentlemen who thought the time had arrived when any enactment on this subject could be dispensed with in Ireland. He wished he could adopt that view. But as he was unable to do so, he begged to move that the Bill be now read a second time, and hoped it would receive the favourable consideration of the House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chichester Fortescue.*)

MR. W. JOHNSTON said, it was with unfeigned surprise that he had perused this Bill, after the repeated assurances received from Members of the Government, and particularly after the pleasure expressed by the Chief Secretary for Ireland, that the Party Processions Act was about to be repealed. The feeling of pleasure indulged by the right hon. Gentleman must have been of a very peculiar kind. There must have been a grimness about the jocularity with which he contemplated the introduction of a Bill under which the people of Ireland would be bound with ten-fold more severe chains than they were at present. He (Mr. W. Johnston) had been, to some extent, the victim of credulity. The Bill which he introduced last year was drawn up by Her Majesty's Judge Advocate General, who expressed to him the gratification he should experience in seconding a Motion for the repeal of the Party Processions Act were it not for the circumstance of his being a Member of the Government. That measure was submitted to the then Attorney General for Ireland, the present Master of the Rolls, who was averse to the introduction of a clause rendering it penal to carry fire-arms, in a procession, as he thought it would be better merely to repeal the Party Processions Act. For his own part, he strongly objected to the carrying of arms; but, at the same time, he did not think it was fair that a number of persons should be liable to punishment because a single individual, perhaps an enemy, might have joined a procession with a pistol or a gun. He had received the strongest assurances that in any measure they might bring forward the Government would respect freedom of action as far as they could. The present Bill, however, would take away all freedom of action from persons of whatever creed or party who met together for any purpose in Ireland. He admitted that the present attempt at legislation was directed against all parties. It was totally subversive of all liberty and of the rights and institutions of a free country. The Government had promised Ireland peace. The Church Bill was to give peace, and the Land Bill was to be a panacea for all the ills that Ireland was heir to; and yet Ireland, being still in a state of unrest, was now to be treated to the second Coercion Bill of the Session, which would renew those animosities and provoke those breaches of the peace which had ceased for some time past. He had received a letter from a magistrate in the North of Ireland who expressed his strong belief that should the Chief Secretary persevere with his mischievous legislation, it would be re-engendering bitter hatred between the classes which he (Mr. Johnston) had endeavoured to unite. He could not conceive why this Bill was introduced at all, or, if it were necessary to introduce it, why it was not brought forward at an earlier period of the Session. Why did Her Majesty's

Government wait until the July anniversaries of those events which had placed Her Majesty's dynasty on the Throne were about to be commemorated not in a spirit of hostility towards any class in Ireland, but in vindication of the rights of the free citizens of a free country? [Mr. CHICHESTER FORTESCUE said that the 5th clause had been withdrawn.] The circumstance of that clause being withdrawn did not alter, to any extent, the character of the Bill. No meeting was to be held without lawful authority from the Government, and he questioned whether the Lord Lieutenant would grant permission for the celebration of the July anniversaries. If this Bill were passed, every meeting would be treated as a riot. The magistrates would read the Riot Act, and all who attended it would be ordered to depart to their lawful business on pain of death. Therefore, those who celebrated the 12th of July might be ridden over by the soldiery, and there would be a repetition of the dragonades of other times. But they were not to be so deterred. Those who would oppose this measure represented a race which had been highly complimented by Her Majesty's Government, and which had been characterized by the Prime Minister himself as a race of great energy, massive in character, and which would not be trodden down. He (Mr. W. Johnston) had incurred a considerable amount of opposition, and even some suspicion of over-friendliness to the Government, because he had ventured to say in the North of Ireland that he believed they would act in a spirit of fair play and give equal liberty to all classes of the people; but now it appeared to him that they contemplated equal tyranny to all parties, who were to be trodden down by the iron heel of military despotism. A pleasing state of things had existed for some time past in the North of Ireland. On the 14th of May both Protestant and Catholic bands paraded the streets of Belfast on the occasion of the laying of the foundation stone of the Working Men's Institute, and all parties were gradually learning to tolerate one another. But the present action of Her Majesty's Government would be the means of reviving hostility, which no one could more deeply deplore than he did. Feeling very strongly on this subject he had some difficulty in restraining himself; but he must say that if the Bill became law, it would deluge the hills and the plains of Ireland with blood not through the internecine contests of her citizens, but by the attempt to override the liberties of the free people of what ought to be a free land. In conclusion, he moved that the Bill be read a second time upon this day three months.

VISCOUNT CRICHTON said, he thought that his hon. Friend (Mr. W. Johnston) and those who acted with him had great cause to complain of the course pursued by the Government. His hon. Friend brought in his Bill at an early period of the Session, and the Government assented to the second reading, but afterwards intimated their intention of introducing a measure which would be satisfactory to all parties. This declaration was taken in the North of Ireland to mean that the Government were about to give freedom to processions of every kind, and preparations were accordingly made for celebrating the July anniversaries on a more extensive scale than formerly. At the eleventh hour, however, this Coercion Bill was introduced. It could not become law until after the anniversaries had been celebrated, and consequently the parties who broke the law would have to be prosecuted under a statute which the Government themselves had declared to be unequal and unjust, and to repeal which the present measure had been introduced. On the whole, he preferred the existing measure to that now proposed. In the first place, the Bill cast an undeserved insult on the Orangemen of Ireland—men whose only fault, if it were a fault, was a slight exuberance of loyalty—because it classed them with the promoters of treason and sedition. He believed the Judges who were to interpret the Bill would be guided rather by its letter than by the assurances given by the right hon. Gentleman (Mr. C. Fortescue). Indeed, he did not see how they could do otherwise than put a stop to meetings of all kinds whatsoever.

MR. CHICHESTER FORTESCUE explained that the Bill only referred to parading or joining in processions.

VISCOUNT CRICHTON said, persons might parade or join in a procession in private grounds. The most objectionable part of the Bill had been withdrawn—namely, that which gave enormous powers to the Lord Lieutenant; but, after all, those powers were merely transferred to the Law Officers of the Crown. As to fire-arms, he agreed with what had been said by his hon. Friend. At the same time, he thought it would be most unjust to render a meeting of 20,000 men liable to the pains and penalties of the Bill simply because some foolish boy or hostile person might carry a pistol concealed about him. He had, under those circumstances, much pleasure in seconding the Amendment of his hon. Friend.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. William Johnston.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. M'CARTHY DOWNING said, he rose at the earliest moment to protest against the Bill. He regretted that the Government should at the fag-end of the Session have introduced a measure of this coercive nature, for which there was no necessity. No demand, so far as he was aware, had been made by any party in Ireland for such a measure, and he could not understand why, if processions were to be put down in Ireland, they should not also be prevented in England and Scotland. He denied the right of the Government to say that such a measure should be applied to one part of the kingdom only. He had seen large processions in London. Meetings had been held in Hyde Park; the very railings of the Park had even been torn down by the mob; and yet no legislation had been resorted to with the view to prohibiting meetings of that description. No one could walk about London on a Sunday without seeing crowds of persons assembled in Trafalgar Square and elsewhere, to hear open-air preaching; and did not that tend to create animosity and produce a breach of the peace? In the Party Processions Act there were no such words as "to provoke a breach of the peace," which were to be found in this Bill. Under the Bill political meetings might be suppressed by the Riot Act being read. If the crowd did not disperse the military might be ordered to fire. An agitation might be set on foot in Ireland for a Federal Parliament, and were persons, he would ask, because they happened to walk in procession to a meeting held with that object, to be subjected to the penalties which the Bill would impose? Recollecting that the Session had commenced with the passing of one of the most unconstitutional Acts which had ever become law, he hoped its close would not be signalized by the enactment of a similar measure. There was at present scarcely a county in Ireland which was not under the operation of the Peace Preservation Act. It was in force in his own county (Cork), though there was not a single district in Ireland freer from crime. He would call attention to this fact—a short time ago a gentleman, who was going shooting, sent his servant forward with his gun; the gun was seized, and when the gentleman complained the Chief Secretary for Ireland said that the police were right in seizing it. How would hon. Members like such a law in England? He hoped the Government would rest satisfied with what had been already done in that direction, and would not persist in asking the House to sanction this Bill, which would promote those disturbances which it was intended to suppress. They were about to send another message of peace to Ireland; and let it not be accompanied by another measure of coercion.

SIR FREDERICK W. HEYGATE said, that he had three years ago given Notice of his intention to bring in a Bill to repeal the Party Processions Act, and the longer he had thought on the subject the more convinced he was of the inexpediency of a style of legislation so exceptional. Had it answered? Was it not the fact that, since the passing of two special Acts, with the same object as the present measure, a greater amount of party spirit had been displayed, and a greater number of party processions had been held, than had previously been the case? The Party Emblems Act, which was one of the measures to which he referred, had created so great an amount of bad feeling that it had, two years ago, with universal consent, ceased to be law. It was inseparable, he might add, from legislation such as that now proposed that certain persons in Ireland should not look upon it otherwise than as being about to be put in force against them only. He, for one, objected to the powers the Bill gave to the Government—powers, which he thought it was inexpedient they should possess. Would it be wise to give them power to put down meetings in the City of London? He was also opposed to throwing on the individual the responsibility of deciding whether a procession was or was not likely to lead to breach of the peace, for he ventured to say that most of those who attended such meetings did so with no intention of doing that which was unlawful. Let the Government show a little confidence in Ireland. The present law had become a dead letter. If the Government trusted to the common law of the land, they would then carry public opinion with them, and a man against whom they proceeded was not likely to be made a martyr of; whereas, under an exceptional law of this kind, the whole institution of trial by jury was likely to break down. This was the time to set out on a fresh course, as regarded Ireland, and give the people of Ireland credit for acting for the common good. Under the Habeas Corpus Suspension Act the Government had ample powers for the preservation of peace in Ireland, and the Chief Secretary might safely withdraw what remained of this Bill. If Gentlemen who had influence in Ireland would set themselves to promote peace there, the processions which were usual at this time of year might safely be allowed. No country was more favoured by nature than Ireland. It contained a population most talented, most brave, and generous; and he believed that generosity towards them, on the part of those who made the law, would be warmly responded to.

Mr. W. H. GREGORY said, the Chief Secretary for Ireland by no means occupied a bed of roses; for, if he looked on and folded his arms during these processions, he was accused of neglect of duty; while, on the other hand, if he brought in a Bill to restrain them, hon. Gentlemen complained of exceptional legislation. At the same time, believing it would be well to postpone this Bill for a certain time, and see how Ireland got on without it, he should give his right hon. Friend an opportunity of taking this course by moving that the debate be now adjourned.

Dr. BALL said, it appeared to him that the present state of the law was greatly misunderstood. There was an idea that the Party Processions Act was a one-sided measure, and was only directed against Orangemen. He, however, would give an opinion to the contrary effect, which he could confirm by his own experience. He was employed by the Duke of Abercorn's Government in a prosecution which arose out of a large assembly with very different banners and emblems from those carried by Orangemen. That was a prosecution under both common law and statute law, and the question was left to the jury whether the meeting was calculated to promote animosity between different classes of Her Majesty's subjects. The existing law was directed against party processions; the Bill of the right hon. Gentleman (Mr. C. Fortescue) was not; and, in his judgment, if the 5th clause were omitted, the Bill was hardly a perceptible advance beyond the common law. The case usually quoted on this point was that of the Peterloo massacre, when the legality of the interference of the police and the magistrates was justified because the meeting was of itself calculated to produce alarm, and therefore tended to a breach of the peace. He would read two passages from the common law, which were much to the same effect as the present Bill. One said that any meeting of great numbers of people held under such circumstances as to endanger the public peace and arouse fears and jealousies was an unlawful assembly; and the other said that the meeting of great numbers of people, complaining of a common grievance, armed in a warlike manner, was an illegal assembly, for no one could foresee what might be the event of such an assembly. With the exception that the Bill introduced the element of animosity, it did not advance much beyond the common law. This was a late period of the Session to bring forward such a measure relating to party processions—that was, to processions which the common law did not reach, and in respect of which there were no immediate circumstances of terror or alarm; and, as the question was one which deserved and demanded more consideration than could be given to it now, he really could not see why the Act 13 & 14 *Vict.* would not suffice for another year, and why a new Bill should be brought forward at this period. When they were prepared to discuss one Bill the Chief Secretary for Ireland submitted another, and from that was omitted a most important clause, one which would have been invaluable—namely, that which gave the Executive power to meet a crisis when it arose. For one he had no distrust of the Executive, seeing that there was a force in public opinion which would prevent any illegal exercise of authority. This important clause, which invested the Lord Lieutenant with useful power, was abandoned with scarcely a word of explanation. Such changes, made at the last moment, made much stronger the case for postponement to another year. It had become the fashion to speak of the Peace Preservation Bill as the Coercion Bill, and the name was used with more meaning than it had at first; but the Act had proved to be a Peace Preservation Act, and it would be an infatuation to weaken or withdraw it, or to falter in its execution; for we had already reaped the fruit of it; we had peace, the loyal were protected, and no one was restrained or coerced except those who wished to do evil.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he did not think any arguments had been adduced which should lead the House to postpone the passing of the Bill this Session; but it was another question whether the debate should be adjourned. He did not intend on this question entering into the merits of the Bill at any length. The right hon. and learned Gentleman opposite (Dr. Ball) had not given the Bill the credit due to it; but when he said it scarcely advanced beyond the common law, he admitted that it was an advance, and it was that very fact which made the Bill necessary. No doubt some processions were already reached by the law as it then stood, but processions whose tendency was to create animosity were alone dealt with by this measure. As to this being a new Bill there was no foundation for this statement, it was shorn only of a clause which was objected to as unconstitutional. Now that the clause was left out, this was simply a Party Processions Bill, amended to suit the altered conditions of the times, treating all alike, and not aimed at any particular party. It had been said that processions which were not party processions did not excite animosity, and only tended to produce a breach of the peace. This Bill would embrace all; and it was impossible to carry on the government of Ireland without some law of the kind. The present law, with all its defects, was better than none.

LORD CLAUD HAMILTON said, the course taken by the Government with respect to the Bill of the hon. Member for Belfast (Mr. W. Johnston) to repeal the existing law produced a general impression that it was the intention of the Government to allow the old Act to be repealed; but on the 7th of July, with a celebration coming off on the 12th, which he personally disapproved, the Government brought forward a Bill which could not possibly become law, and which could only be regarded as an insult to that party which always upheld the law and the Constitution. This Bill put in the same category loyal Orangemen and those who met to propagate treason and sedition; this was an insult to those who, however injudicious, were still loyal; and it was an insult which they did not deserve, and which was sure to be resented with indignation at a number of excited meetings.

MR. VANCE said, he considered the Chief Secretary had acted very unfairly in bringing the Bill forward at a time when it could not be fairly discussed. He had also kept the word of promise to the ear and broken it to the sense by introducing a Bill which was unsatisfactory to every party. He regretted the Motion for Adjournment, because it prevented them discussing the Main Question; and, as a protest, he would vote against Adjournment.

COLONEL STUART KNOX said, this Bill would tear to pieces the remaining liberties of the Irish people: he wanted to see justice done to all parties, and he wished for a Bill to put down the Fenians and those who were the enemies of Ireland. He protested against the proposal of the hon. Member for Galway (Mr. W. H. Gregory), because it was only made to help the Government over a stile, for they were in a difficulty, and had withdrawn the principal clause of their Bill. What was now the use of the 3rd clause? It spoke of the Lord Lieutenant and the Chief Secretary as being referred to in the other part of the Bill; but they were referred to only in the 5th clause, and that was another clause that was useless. On what ground was this Bill to apply only to Ireland? He looked upon the Bill as an outrage and insult to the people of Ireland, and he called upon the Government to withdraw it and pass the Bill for repealing the Party Processions Act. They might be sure of the common law being sufficient for maintaining peace in Ireland if they would only govern that country fairly and not for party purposes.

MR. WHALLEY said, he must compliment the hon. Member for Belfast

(Mr. W. Johnston) on the moderation he had displayed in moving the rejection of the Bill. The processions against which the Bill was aimed were described as provoking animosity; but he (Mr. Whalley) had had personal experience of orderly meetings in Ireland, composed of men of the most undoubted loyalty, and the persons whose animosity would be provoked by such assemblages were those Roman Catholics who were instructed by their priests that they were bound by all the obligations of their religion to do all in their power against the authority of the Government of England, and to oppose, even to the extent of slaughter, any expression of opinion adverse to their own religious views. He believed there was no portion of the population that had more claims on the House than the hard-working and industrious Roman Catholics, who did not want Coercion Bills, against which he had always protested. [" Divide, divide !"] He would be very soon done now.

Lord JOHN MANNERS said, he hoped the hon. Member for Galway (Mr. W. H. Gregory) would withdraw his Motion for the Adjournment of the Debate and allow the House to divide on the Main Question.

Mr. GLADSTONE said, he could certainly be no party to the withdrawal of the Motion for the Adjournment of the Debate. The understanding was that his right hon. Friend (Mr. C. Fortescue) should make a statement in proposing the second reading of the Bill; but it was not anticipated that the debate could conclude that evening.

Mr. MAGUIRE said, he would support the Motion for Adjournment, not in the interest of the Government—for when the question was put on the second reading of the Bill he would vote against it—but because there were many hon. Gentlemen who desired to speak upon the question.

Mr. VERNER said, he must protest against the adjournment of the debate. The right hon. Gentleman (Mr. C. Fortescue) said he sympathized with those who thought that green was not a party colour. It had been changed to blue because green was the emblem of rebellion.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. W. H. Gregory.*)

The House *divided*:—Ayes 111; Noes 72: Majority 39.

Debate *adjourned* till *Monday* 18th July.

*Mr. Whalley*

## CLERICAL DISABILITIES BILL.

(*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph.*)

[BILL 49.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 6, inclusive, *agreed to.*

Clause 7 (Deed of revocation).

Mr. MONK said, the clause allowed a clergyman to resume his clerical functions after having relinquished them. He was surprised to find that such a clause was inserted in the Bill, and he believed that great pressure must have been brought to bear on the hon. Member for Oldham (Mr. Hibbert) to induce him to admit such a clause; and he would probably admit that he had no particular affection for it. It should be borne in mind that a clergyman might retire for a time from the active performance of his clerical duties without having recourse to an Act of Parliament; but he (Mr. Monk) thought that when a clergyman had, after mature consideration, satisfied himself that the prohibition of the 76th Canon of 1603 against using himself in the course of his life, as a layman, under pain of excommunication, was no longer binding upon him,, and had executed a deed solemnly relinquishing the clerical profession, such a step ought to be final. He protested against this mode of playing fast and loose with the clerical profession. He should divide the Committee on the clause.

Mr. BERESFORD HOPE said, he trusted that the Amendment would not be pressed. The highest officers of the Church might be allowed to exercise their discretion in the matter.

Mr. HIBBERT said, he wished to explain that if this clause were not permitted to remain in the Bill any clergyman who might relinquish his position in the Church would be in a worse position than any other man; and there was no reason why the House should put such a disability upon him.

Clause *agreed to.*

Remaining clauses *agreed to.*

House *resumed.*

On Motion, "That the Bill be reported,"

Mr. COLLINS said, he regretted that its principle had not been extended to Roman Catholic and Presbyterian clergymen as well. He thought it would be infinitely better to have Cardinal Cullen himself in the House than his nominees.

Bill *reported;* as amended, to be considered upon *Monday* next.

### SUGAR DUTIES (ISLE OF MAN) BILL.

Acts read; *considered* in Committee.

(In the Committee.)

*Resolved,* That the Chairman be directed to move the House, that leave be given to bring in a Bill to alter certain Duties of Customs upon Refined Sugar in the Isle of Man.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. STANSFELD, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented,* and read the first time. [Bill 203.]

House adjourned at a quarter before Three o'clock.

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## HOUSE OF LORDS,

*Friday,* 8*th July,* 1870.

MINUTES.] — PUBLIC BILLS—*First Reading*— Wages Arrestment Limitation (Scotland) * (192).

*Second Reading*—Evidence Further Amendment Act (1869) Amendment * (75).

*Select Committee—Report*—Tramways* [No. 193].

*Committee—Report*—Salmon Acts Amendment * (147).

*Report*—Tramways * (107-194).

*Third Reading* — Benefices Resignation (178), *debate adjourned;* Irish Land (184); Wages Attachment Abolition * (141); Protection of Inventions * (142), and *passed.*

### BENEFICES RESIGNATION BILL.

(*The Lord Bishop of Winchester.*)

(NO. 178.) THIRD READING.

Order of the Day for the Third Reading, read.

THE BISHOP OF WINCHESTER, in moving that the Bill be now read the third time said, that he proposed to insert a new clause, drawn up by the noble and learned Lord on the Woolsack, with regard to lunatic clergymen. The Bill would place parochial clergymen in much the same position as that of Bishops under the Act of last Session, and he received letters from them every day expressing great anxiety that it should pass.

*Moved,* "That the Bill be now read 3ª."—(*The Lord Bishop of Winchester.*)

EARL STANHOPE said, he believed the operation of the Bill would be beneficial to the Church; but pointed out that it differed in one respect from the Bishops' Resignation Act, the latter being a temporary, while this was a permanent measure. Some other details seemed objectionable, and he trusted the noble and learned Lord on the Woolsack would give his attention to remedy some legal defects.

THE DUKE OF BUCKINGHAM, while admitting the desirability of making some provision for worn-out clergymen, who wished to be relieved from their duties, thought some minimum of service should be laid down as a condition of a retiring pension. It should be considered, moreover, whether an incumbent could properly discharge his duties and meet all claims upon him if his income was reduced by several hundreds a year by the pension of his predecessor. There was nothing, indeed, in the Bill to prevent two retiring pensions from being in operation in a single parish at the same time. The Bill would not be applicable to small livings unless there was some scheme of augmentation. The composition of the Commission by which the pensions were to be awarded also required consideration, for under the Bill as it stood the voice of the parishioners would not be heard except through the Commissioner nominated by the patron, which would in many cases be insufficient. He thought further time should be allowed for the consideration of the measure.

EARL GRANVILLE rose to remind their Lordships of his appeal to them on the previous evening to waive their rights to bring on the other business on the Paper, in order that the Land Bill might be considered on the Motion for its third reading, with the view, if possible, of sending it down that night to the House of Commons. As this Bill appeared likely to give rise to some discussion, he suggested that his right rev. Friend should consent to postpone the further debate.

THE BISHOP OF WINCHESTER acquiesced in this suggestion.

THE DUKE OF RICHMOND regretted that his attention had not been called to the Bill at an earlier stage, as on examination he found that the majority of the clauses required such amendment that they would scarcely be recognizable. The Bill ought not to pass without careful consideration.

Further debate adjourned to *Tuesday* next.

### IRISH LAND BILL—(No. 184).

(*The Earl Granville.*)

THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3ª."—(*The Earl Granville.*)

THE EARL OF CLANCARTY: My Lords, I am quite sure that those noble Lords who have given an unswerving support to this Bill in all its details have done so in the belief that, although it involves a serious invasion of the rights of property, it is a measure imperatively called for by the circumstances of Ireland, and that its introduction was justified upon the principle laid down by the Lord Privy Seal on the second reading—

> "That when you find chronic disaffection in Ireland, you are to shrink from no sacrifices till you have removed the cause of it."

Your Lordships were then reminded by the noble Earl how, last year, the Protestant Church in Ireland was the sacrifice made for the removal of disaffection; and as that failed in its object, and the country only became so much more disaffected as to render it necessary to pass a new Coercion Bill, in order to maintain the semblance of authority in the Government, you are now called upon to take another leap in the dark, and are told by the same noble Earl that, by violating the rights of property as in this Bill, you will be laying the axe to the root of Irish disaffection. The landlords were thus charged with the responsibility of the disaffected state of the country, and it is assumed that the tenantry of Ireland are the disaffected portion of the population. I care not to notice the unwarrantable reflection upon the Irish landlords; but I altogether deny the truth of the aspersion cast upon the character of the tenantry of Ireland; and I affirm that, as a body, the tenantry of Ireland are as loyal and well-disposed as any class of the population of the whole United Kingdom. They will, no doubt, be grateful to Her Majesty's present Government for the unexpected transfer made to them of rights of property they did not before possess; and their political support may reasonably be counted upon at the next General Election. It would, of course, be unjust to suppose that the framers of this Bill had any such object in view; but no wiser step could have been taken to secure it. But, my Lords, there are other consequences of a very serious character that may arise from this measure, to which I would beg to direct attention. Assuming that Her Majesty's Government are really desirous to deal with the evils of Ireland, their sagacity has undoubtedly failed of reaching the cause of them; but one thing their policy will unquestionably establish in the minds of the people of Ireland, and that is, that disaffection, provided it manifests itself in acts of assassination and outrage spreading terror over the land, is sure to obtain its reward. But what reward? Not the effective vindication of the law, but the concession of new sacrifices of the constitution, so long as anything remains to be given up. What thanks had you for violating the fundamental condition of the Union of England and Ireland, by the overthrow of the Protestant Church? It gratified no class of the Roman Catholic laity in Ireland, high or low—even the Fenians did not care for it. The hierarchy of Rome alone rejoiced at it. And well they might; it was the humiliation of a Protestant people, the triumph of the Papacy, at the exhibition of Protestant England trampling upon her own Protestant institutions. And do you think that Parliament will acquire the respect or confidence of those Irish tenants upon whom you are about to confer rights of property unjustly taken from the landlords, with whom they have been living upon terms of mutual goodwill? Will it not rather seem to them, that when you have said so much about the duty of protecting the small tenants of Ireland against capricious evictions—a duty which I fully admit—you are yourselves capriciously, as well as unjustly, evicting landlords out of their legal rights by the utterly unnecessary extent to which interference with those rights has been carried in this Bill? The small tenants may require protection, but the wealthy farmer of many acres can very well take care of himself. And will not the tenantry of Ireland be impressed with some feeling of insecurity regarding those newly-acquired rights, that they may at any time be as capriciously interfered with by

Parliament as they have been capriciously conferred? My Lords, I do not deny that there are, and too long have been, evils in Ireland that required to be dealt with, but they are not to be removed by a policy such as it has been the wont of the British Government to pursue. The evils of Ireland are not to be attributed either to the constitution of society or to the character of the Irish people. I will not trouble your Lordships by discussing a subject so large as the evils of Ireland, and the manner in which they should be dealt with; but this I will say—that whatever those evils are they have been greatly aggravated not only by misgovernment, but by Ireland being constantly made the battle-field for every political conflict between the two great parties that contend for the mastery in the government of the Empire. There is, too, in Ireland a wily hierarchy, whose influence has unhappily been long predominant in the councils of the Government, ever on the watch to advance the special interests of their Church by the overthrow of whatever is Protestant in the land. Through their influence the sacrifice was last year made of the Protestant Establishment. This year the Land Bill is, under the same influence, directed to the getting rid of the Protestant landlords. But, my Lords, to return to the consideration of the immediate consequences of the passing of this Bill, are you sure that in this your endeavour to allay discontent in Ireland you may not awaken a much more formidable cry of discontent among the tenantry in this country? Landlords in Ireland are not different from landlords in England, except that they have a more difficult state of things to deal with; and if tenants in Ireland can see their own interest in the provisions of this measure, the English tenant will not be slow to recognize his right to be placed upon an equally favourable footing. The Parliamentary title which this Bill will confer upon every tenant in Ireland to from one year to seven years' purchase of the rent of his holding as the price of his removal, will not be a less valuable acquisition to the English than to the Irish tenant, and the demand for it cannot be refused. I would wish to say something about the provisions of the Bill; but as they are no longer open to amendment, I will not trouble your Lordships by doing so. I will only observe that the principle that pervades the Bill is one that is little calculated to improve the relation of landlord and tenant. Where they draw well together, the arbitrary taking of the property of one to give it to the other is not likely to cement that union, and where they are not on good terms the breach between them can only be widened by such interference; and the same may be said with regard to the whole class of tenants in relation to the landlord class. I do not know of any more ingenious device than that proposed in the Bill for setting class against class and individual against individual. Nor is the litigation to which both are invited before the barrister's Court, and which the Bill is certain to produce, likely to make the case any better. So much, my Lords, for the measure as one for allaying animosities in Ireland. Then, with reference to the improvement of the land, and the development of its resources, objects about which the Government of the country ought not to have been indifferent, I need only refer you to the clear and honest exposition by the noble Lord the Chancellor of the Duchy, of the true character of the Ulster tenant-right, which you seek to legalize over the whole country, to show how adverse such a step is to the interests of agriculture. You attribute the prosperity of Ulster to the custom of tenant-right. He demonstrated most conclusively the evils of that system: that the prosperity of the North was quite independent of it; and that but for the sale of tenant-right, which deprives every new tenant of his capital by its being expended in the purchase of his tenancy, agriculture would prosper in the North quite as much as in the best cultivated districts of Scotland. I regret that I can see nothing promising of good to my country in this Bill. It is fraught, I fear, with great evil, and conceived in no friendly spirit to Irish interests; but, as it has been accepted by both Houses of Parliament, and must shortly become law, I can only acquiesce in what Parliament decrees. But as henceforth the law of the land, I shall not fail to use my best endeavour to render it, if possible, productive of good to my country.

THE EARL OF GRANARD said, he believed that the thanks of all parties in Ireland were due to the Government for bringing in this Bill. As the Bill was laid upon their Lordships' Table it would have conferred a great boon upon the tenantry by legalizing principles on which the best Irish landlords had always acted; and, notwithstanding the alterations that had been made during its passage through that House, it would still be of great advantage. This would be evident if the future position of the Irish tenants were contrasted with that which had hitherto existed. At present the tenants under the Ulster custom were liable to have their position undermined or impaired; but it would now be put on a legal basis, so that upwards of 200,000 tenants would have the assurance that they and their descendants would continue to enjoy their farms under their time-honoured custom without the slightest fear of its invasion. Tenants, moreover, not under this custom had hitherto been liable to eviction without compensation — though, no doubt, such an extreme exercise of the rights of property was seldom resorted to. Now, however, they would be protected from capricious eviction, while they would enjoy facilities of purchasing their farms if their landlords were disposed to sell them. His acquaintance with several counties convinced him that the good faith and earnestness with which the English Government and Parliament had devoted two Sessions to the redress of Irish grievances, would exercise a most salutary influence on every class of the population, and would do much to remove the notion that the Imperial Parliament was incapable of redressing their wrongs. The Bill as it came up to their Lordships' House would, he believed, have been accepted by the Irish people as a satisfactory adjustment of the relations of landlord and tenant; and though he regretted certain alterations which had since been made in it, he thought it would, nevertheless, go far towards a permanent settlement of the question, and would conduce to a state of peace and prosperity hitherto unknown in the annals of Ireland.

Lord ORANMORE and BROWNE said, his opinion that the Bill would be an unmixed injury to Ireland remained altered. By the legislation to which a finishing stroke was to be put this evening, Parliament would declare that, the Executive being weaker than the criminal, it was necessary to bribe him, and that as the State would not pay the bribe it levied it on the victims of its impotency. Those victims had, for many generations, paid taxes to the State as an insurance on life and property, and now, when they claimed payment of the policy, Government refused to fulfil their part of the contract. He asked why this was less fraudulent on the part of the Government of the country than it would be in an insurance office? Her Majesty's Government had alleged that the Irish land laws had produced crime, but it had not attempted to substantiate the assertion; and though cruel evictions were assumed, none were proven. The evidence, indeed, of the Devon Commission and the testimony of Judge Longfield both showed that they had not occurred. The Government themselves had declared that the great majority of Irish landlords were liberal and just in their dealings, but that some were harsh and unjust; they, therefore, asked Parliament to deprive the good and the bad alike of all power and influence. Thus, to remedy a small evil, Parliament inflicted a great injustice, destroying the bonds of social union, and breaking the link between this country and the people of Ireland. It was acknowledged that the land of Ireland was the lowest let in Europe, yet landlords were stigmatized as such knaves, and tenants as such idiots, that freedom of contract between them was forbidden. Bound hand and foot, they were handed over to the tender mercies of the law. Present tenants were insured in their holdings in such a way as to impose a rack rent on all future tenants—thus offending as many as were pleased. Last year, fearing the displeasure of the Nonconformists in England, and the Ultramontane hierarchy in Ireland, the Government dared not offer on fair terms a fair share of Irish Church property to the Roman Catholic priests and people of Ireland. To repair this want of courage and statesmanship their party necessities obliged them now to perpetuate 500,000 holdings under £15 a year, though the holdings of this size were condemned even by the extreme tenant-right advocates who gave their evidence before Mr. Maguire's Committee; while the protection against subdivision was so slight that another generation would inevitably see a recurrence of the famine of 1846. The Legislature by the establishment of the Poor Law had protected the poor of Ireland from the possibility of suffering from want, while steam had opened the labour-market of England, at the cost of a few shillings, to every Irish peasant; and at the cost of a few pounds, afforded him a quick and easy passage to that land of promise, flowing with milk and honey, which a beneficent Providence had provided for the surplus population of old countries. The Premier, however, regarded as banishment to an Irishman what was a blessing to the Englishman, and the noble and learned Lord on the Woolsack had discovered that the evicted tenant in Ireland had no choice but between the village graveyard and an American swamp. Were such misstatements, uttered by the most responsible Members of Her Majesty's Government, calculated to assuage angry passions? Did they not rather palliate, if they did not justify, crime? Mr. Cobden characterized the policy of the Imperial Legislature towards Ireland as

> "A policy savouring more of the mean and sordid tyranny of the individual huckster over his poorer rival, than of any nobler oppression that is wont to characterize the acts of victorious nations."

The Government, accepting Mr. Cobden's definition of the nature of Imperial legislation towards Ireland in this Bill, as well as in that of last Session, offered not only redress but compensation; but, strange to say, the compensation was in neither case to be paid by those who inflicted the wrong, but by taking from one class of Irishmen to give to another. An old proverb told men not to look a gift horse in the mouth, and another told us that there was nothing which people were so liberal of as advice and other people's money; but, if the Government expected much gratitude from Irishmen for this kind of liberality, he feared they would be disappointed. Fearing the advance of democracy, Parliament had legislated on principles more unjust and dishonest than any democratic Legislature ever accepted. The Legislature of Great Britain, formerly the object of the admiration and imitation of every Legislature in the world, by accepting as a basis of legislation principles partly Communistic and partly Socialistic, such as were carried out in this Bill, had set an example of wrong the evil effects of which he defied the most far-seeing statesman to fathom.

On Question? *agreed to:* Bill read 3ª accordingly, with the Amendments.

LORD REDESDALE called attention to the fact that the Government had placed no Amendment on the Paper with respect to the tenant's option, under Clause 3, of claiming compensation under a lower valuation than the actual valuation of his holding.

EARL GRANVILLE explained that the House having in Committee made two Amendments in the clause, first by modifying the scale of compensation; and, secondly, by omitting words which gave the tenant the option of claiming compensation under a lower scale, his noble Friend (the Earl of Kimberley) proposed on the Report an Amendment which the Government believed to be perfectly sound and unobjectionable. It was, however, objected to; and the Government, on reconsidering the point, had found themselves unable to suggest anything more satisfactory. As the alteration of the clause in other particulars would necessarily lead to the attention of the House of Commons being directed to it, he reserved to the Government the liberty of reconsidering this particular point as to the best way of meeting the difficulty.

LORD CAIRNS said, he had no right to question the Government as to what they intended to do in the other House; but he thought they were not acting quite fairly with their Lordships with respect to this particular Amendment. In the Bill, as originally presented to their Lordships, there was a Proviso allowing a tenant to drop from a higher to a lower scale of compensation. The Government admitted in Committee that this in its actual form was untenable—the terms employed being quite inapplicable to the general scheme of the Bill. It was, therefore, struck out almost without discussion; and, on the Report, the noble Earl (the Earl of Kimberley) proposed to insert a sentence which was to effect the object in view. Several noble Friends of his objected to its adoption, on account of the short time they had had to consider it, and of the complexity of the arrangement proposed. They therefore asked for further time to consider it; and he understood that the Government intended, on the third reading, to propose the same, or an amended sentence. It was hardly fair to send the Bill back to the other House without their Lordships having had any opportunity of really discussing any proposition of the Government on the point.

Earl GRANVILLE said, that from the discussion on the Report, it seemed unlikely that their Lordships would accept the Amendment; but the Government believed it would meet the difficulty of the case, and his noble Friend was still quite prepared to propose it.

The Marquess of SALISBURY reminded their Lordships that the original Proviso was not only untenable, but it held out expectations which would not be realized, and used language which had no meaning. He had understood that the Government would reconsider the matter with regard to the principle of the clause—namely, that of avoiding two violent jumps in the scale of compensation. He did not much care whether the Amendment was made now or on a future occasion; but if any provisions were to be introduced, he hoped they would be mere elaborate than the concise and complicated form in which they had as yet been presented. The proposal made on the Report would not bear discussion, for it contained an arithmetical blunder.

The Earl of KIMBERLEY said, he would not admit that his proposition contained an arithmetical blunder, though it might have contained an arithmetical puzzle. Probably it was somewhat difficult to understand; but, though not personally responsible for its exact terms, it did not seem to him so impracticable as the noble Marquess had represented it to be. No distinct promise was given on the Report to revive the question; and, as his noble Friend had explained, it had not been thought necessary in the present state of the Bill to deal with it at this stage.

The Duke of MANCHESTER advised the Government to fix the compensation in every case at so many pounds sterling, instead of at so many years' rent; and to devise a scale in which there would be no sudden jumps or retrogressions.

The Earl of LONGFORD moved the omission from Clause 3 of the words "and reclamation of waste land." He urged that this should be dealt with as an ordinary and not as a special improvement, for otherwise unfounded claims would be set up, which there would be some difficulty in disproving; while the decisions of different Judges were likely to be very discordant. Exactly similar cases might be decided in diametrically opposite directions; but it was a question that required to be dealt with on some uniform principle.

Earl GRANVILLE hoped the Amendment would not be pressed, or if it was, that their Lordships would not agree to it. The Bill had already been amended in important provisions; in many cases the Government had proposed modifications so as to meet the views of the noble Lords opposite, or else had conceded the point. It was hardly worth while at the last stage of the Bill to insist upon points which were really of infinitesimal value to the landlords and might tend greatly to the disadvantage of tenants, or at least would appear to bear harshly upon them.

The Earl of LEITRIM urged the necessity of defining in the Interpretation Clause what was, or what was not, waste land.

The Earl of BANDON mentioned a case in which a 31 years' leaseholder from him transferred the lease with his consent to another after seven years' occupation; and he pointed out that this successor to the original leaseholder would, at the end of the remaining 24 years, be in a better position than the original tenant under the Bill as proposed by the Government. The Bill would give the succeeding tenant more power than he as a landlord had granted the original lessee.

Amendment *negatived.*

The LORD CHANCELLOR said, that the Government were of opinion that it would be unreasonable to make a succeeding tenant responsible to the landlord for his predecessor's debts in the case of an ordinary assignment with the consent of the landlord, because the landlord would have it in his power to obtain everything in the way of rent or damages from the original holder. He therefore moved in Clause 3, line 24, to insert after the word "title," the words "from whom he derives by operation of law," so that only those tenants who succeeded by will or as heirs-at-law would be liable for the debts of their predecessors.

Lord CAIRNS thought the Government could not understand the importance of the Amendment, or they would not have proposed it. As the Bill came up from the other House it provided that when the tenant was compensated, either for loss of occupancy or for improvements, all sums due from the tenant were to be deducted from the amount to be paid to him; and he had understood that to mean all sums due from the tenant in a popular sense. In order, however, to prevent any dispute arising in relation to the point, he had proposed to amend the clause by inserting the words "or his predecessors" after the word "tenant." The noble and learned Lord now proposed to limit the operation of those words by restricting it to the predecessors of the tenant from whom he derived by operation of law, so that the landlord would only be entitled to deduct for breaches of covenant and arrears of rent from the individual tenant, and not for those who preceded him in his holding. The effect of this proposal would be to enable a tenant whose rent was largely in arrear, and who had committed breaches of covenant, to assign his land to an in-coming tenant, who would then be able to claim full compensation for disturbance; while the right of the landlord to recover for the arrears of rent and the breaches of covenant would be wholly defeated. In his opinion this was not a fair alteration of the clause, because it went far beyond the Ulster custom, which was now extended by the Bill as nearly as might be to the rest of Ireland. But by the custom of Ulster all sums due to the landlord for arrears or for breaches of covenant were paid him out of the premium paid by the incoming tenant, but by this proposed Amendment the deduction from the sum to be received by the out-going tenant would be greatly restricted. He trusted that the Government would not persevere with the Amendment.

LORD O'HAGAN said, that this was an Amendment upon an Amendment introduced by the noble and learned Lord opposite (Lord Cairns), and intended to restrict its operation within just and reasonable limits. The question was, whether the proposal now made would deprive the landlord of any just right which he at present had. By the present law the assignee of the tenant was not directly liable for arrears of rent or for breaches of covenant by the tenant or his predecessors, but means existed by which the landlord had power to recover all sums due to him. Thus, he might bring an action of ejectment, or might distrain for arrears of rent; and this right would not be touched by the present Bill. The clause as it now stood proposed to make him liable for breaches of covenant and arrears of rent of a former tenant of which he might know nothing, although they occurred 15 or 20 years back. It was not right that such arrears should be kept in this way hanging over the head of a tenant.

THE MARQUESS OF SALISBURY said, that both the noble and learned Lords opposite appeared to ignore the fact that this was a retrospective as well as a prospective clause, and it was its retrospective operation that the noble Lords sitting near him were anxious to restrict. Suppose the case of a tenant very much in arrear of rent, and who, finding he could not carry on his farm, assigned his holding to some one who was able to cultivate it. This happened in England with the full knowledge of the landlord, and he supposed the same thing occurred in Ireland. The landlord consented to the assignment, and, in doing so, took into consideration the large arrear of rent which had to be paid by the assignee. The landlord did not object, because considerable improvements had been effected on the land, and he could recover the arrears from the new tenant; so that, what induced the landlord, in the existing state of the law, to consent to an assignment in such a case was the knowledge that the arrears passed over as a burden on the assignee. But now the Government came in with a new clause, and said that all the improvements made by the old bankrupt tenant should be compensated for by the landlord if he should take possession from the assignee, while the latter was not to pay the landlord the arrears of rent due by the person who assigned the farm to him. This was a proposal to enact what had never before been enacted with respect to any kind of property—namely, that it might be assigned with all its retrospective advantages but without any of its retrospective burdens. He hoped his noble and learned Friend would divide against the proposed Amendment.

EARL GRANVILLE said, he would not trouble their Lordships to divide on the Amendment.

Amendment *negatived*.

On Clause 5, which provides that, as a general principle (subject to certain exceptions), the improvements on a holding shall be presumed to have been made by the tenant,

LORD DUNSANY moved to add the following to the other exceptions:—

"Where any holding shall have been in the occupation of the landlord or his predecessor in title immediately before the tenancy under which the claim is made by the tenant."

EARL GRANVILLE hoped their Lordships would not make any alteration in the clause, which had been very fully considered by their Lordships already.

LORD CAIRNS suggested to his noble Friend that his Amendment was unnecessary. The case supposed by his noble Friend was already provided for in the Bill.

Amendment *withdrawn.*

THE EARL OF LIMERICK moved in Clause 7, page 8, line 20, after "worth" to insert "before the time of the passing of this Act," and in line 21, after "landlord" to insert "or after the time of the passing of this Act, with the consent of the landlord in writing." His object was simply to enact, in regard to the future only and not to the past, that if a new tenant, with the permission of his landlord, paid anything for the goodwill of the holding, he should take the very slight trouble of getting the landlord's consent in writing. That Amendment would not, in the least degree, prejudice existing tenants, while it would tend to prevent uncertainty and litigation.

EARL GRANVILLE thought it was most unnecessary to insist on the consent of the landlord being obtained in writing. How was a small tenant to get the written consent of a landlord who was, perhaps, in Paris all the year?

THE EARL OF LIMERICK was ready to add to his Amendment after "landlord" the words "or his authorized agent," to meet the case of an absentee landlord. He repeated that his Amendment had reference only to the future, and that it would promote the good management of estates.

THE LORD CHANCELLOR opposed the Amendment, which, as he understood it, would provide that after the passing of the Act, although an incoming tenant should have paid a sum of money to the out-going tenant with the express or implied consent of his landlord, he should not be entitled to the benefit of it simply because the landland's consent might not have been given in writing.

After a short conversation, Amendment *negatived.*

Clause 14 *struck out,* and new clause inserted in lieu thereof—

"Where it is proved to the Court that the tenant of any holding held under a tenancy from year to year existing at the time of the passing of this Act is evicted by the landlord by reason of the persistent exercise by such tenant of any right not necessary to the due cultivation of his holding, and from which such tenant is debarred by express or implied agreement with his landlord, such eviction shall not be deemed a disturbance of the tenant by the act of the landlord; or where the tenant of any holding so held as last aforesaid at the time of the passing of this Act is evicted by the landlord by reason of the tenant's unreasonable refusal to allow the landlord, or any person or persons authorized by him in that behalf, he or they making reasonable amends and satisfaction for any injury to be done or occasioned thereby, to enter upon the holding for any of the purposes following—that is to say, mining or taking minerals; quarrying or taking stone, marble, or slate; cutting or taking timber or turf, gravel, or sand; opening or making roads, drains, or watercourses; viewing or examining the state of the holding and all buildings or improvements thereon; hunting, shooting, or fishing, or taking game or fish—such eviction shall not be deemed a disturbance of the tenant by the Act of the landlord, unless it shall be shown that the landlord is persisting in such eviction after such refusal has been withdrawn by the tenant." —(*The Earl Granville.*)

THE MARQUESS OF CLANRICARDE moved to insert the following words at the end of the Interpretation Clause:—

"Implied covenants shall be taken to include the duty on the part of the tenant not to deteriorate his holding by an unusual or impoverishing course of cropping, or by wilful or permissive waste of any sort, or by neglecting to keep in tenantable repair any building for which he shall not be entitled to compensation, or ploughing up any land that shall have been left by the landlord in grass."

There was not one word in the Bill which tended to the encouragement of good husbandry, and he contended that it could be no hardship on the tenant that he should agree to treat his farm in a proper manner.

THE EARL OF KIMBERLEY doubted whether it would be to the advantage of the landlord to interfere in the matter of implied covenants; but he was sure it was not desirable to attempt to deal partially with this matter by a side wind. He appealed to the noble Marquess not to press the Amendment.

Amendment *negatived.*

On Clause 74,

THE EARL OF LEITRIM moved to omit the words "shall apply to Ireland only," because he apprehended that if the Bill were good for Ireland it would also be good for England and Scotland. He also moved to insert words that the Bill

> "Shall not take effect until after the rules required by this Act shall have been framed and approved by each House of Parliament."

He contended that if this Bill were good for Ireland, it would be good for England and Scotland also; and that it was very necessary before the Act was put into operation that the rules to guide the Courts should be submitted to Parliament.

LORD O'HAGAN said, he did not think it necessary to make any reply to the first Amendment of the noble Earl. With regard to the second part of the Amendment, its effect would be not only to postpone the operation of the Act till next year, but to postpone it for ever, because the rules could not be made until the Act came into operation.

Amendment *negatived.*

*Moved,* That the Bill do pass? objected to; on Question? *agreed to.*

Bill *passed* accordingly, and sent to the Commons.

### SALMON FISHERIES.—QUESTION.

LORD ABINGER asked Her Majesty's Government, Whether they would issue instructions to have the boundaries of the Salmon Fishery Districts and their estuaries (as authorized by the Scotch Salmon Act of 1862) laid down on the Ordnance Survey, and to have landmarks erected where necessary on the application of any District Board, provided the District Board is willing to defray the expenses attending such erection. His object was to bring the Act of Parliament into force which prevented any landmarks put up by the Board of Ordnance being removed without the penalties being enforced?

THE EARL OF MORLEY said, the Government had no objection to issue the instructions subject to certain Provisoes.

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, 8th July,* 1870.

MINUTES.]—PUBLIC BILLS—*Ordered*—*First Reading*—Drainage of Lands (Ireland) Provisional Order Confirmation* [205]; Inclosure* [206].

*Second Reading*—Sugar Duties (Isle of Man)* [203].

*Report of Select Committee*—Pilotage* [No. 343].

*Committee* — Elementary Education (*re-comm.*) [167]—R.P.

*Report*—Pilotage* [25-207].

*Third Reading*—Consolidated Fund (£9,000,000), and *passed.*

*Withdrawn* — Public Prosecutors (*re-comm.*)* [148].

The House met at Two of the clock.

### CIVIL SERVICE COMMISSIONERS—ATTENDANCE OF CANDIDATES IN POLICE COURTS.—QUESTION.

DR. LUSH said, he wished to ask the Secretary to the Treasury, Whether it is the custom of the Civil Service Commissioners to send youths who are candidates for public situations to take notes of the daily proceedings in the London Police Courts, as a test of qualification; and, if so, whether in his opinion equally good results are not attainable in some way by which the risk of moral contamination involved in this enforced attendance at the scenes and details of Police Courts may be avoided?

MR. STANSFELD said, that, strictly speaking, no candidates for public situations had to attend the police, or any other courts. The cases referred to by his hon. Friend were cases of candidates already selected by competitive examinations for the Indian Civil Service. After their selection they underwent a special training for a period of two years. Their duties in India would be of a judicial character, and as they would have to administer the civil and criminal law, it was rightly held to be very important that they should obtain not only familiarity with law books, but also some knowledge and personal acquaintance with the methods and habits—if he might use the word—of procedure in the civil and criminal courts in this country. Seven of the Reports required to be sent in by these gentlemen must relate to the police courts in London, Dublin, or Edinburgh, presided over by stipendiary magistrates. This was the regulation under which they attended our police courts, and he must say he thought it was a very wise one.

### CENSUS OF 1871.—QUESTIONS.

SIR JOHN PAKINGTON said, he would beg to ask the Secretary of State for the Home Department, Whether he will lay upon the Table any representations he has received objecting to the different religious denominations in England being included in the Census of 1871?

MR. BRUCE: Sir, I have examined the many memorials which I have received on the subject of the Census, and I am bound to say there are not any partaking of the character of those which it is usual to lay on the Table of the House. The right hon. Baronet is, of course, aware that there are other means of ascertaining the opinions of the Nonconformists, and other religious bodies, besides memorials sent to the Home Office.

SIR JOHN PAKINGTON: Sir, in consequence of the unsatisfactory answer I have just received, I wish to ask the right hon. Gentleman, Whether he has any objection to state how many Memorials have been presented to the Home Office respecting a Denominational Census, and whether they proceed from Churchmen or from Nonconformists?

MR. BRUCE: Sir, I thought I did state distinctly that I have received no memorials in the ordinary sense of the word. I have received representations which were satisfactory, in the sense that they conveyed to me the feelings of the leading bodies of the Nonconformists on this subject. I never stated that I received memorials respecting a religious Census, and I do not think that the only sources of information on such a subject are memorials. As regards the memorials generally, I am willing to produce them. I may remark, however, that the only demand for a religious Census, as far as England is concerned, proceeds from the Statistical Society or the Society of Arts, I forget which. The other memorials relate to consanguineous marriages, the statistics of education, and other matters, which are very interesting in themselves, but which have no connection with the religious Census. If the right hon. Gentleman will move for the

production of the memorials presented to the Home Department on the subject of the Census, I shall have great pleasure in laying them upon the Table.

### ACCOUNTANT GENERAL IN CHANCERY. QUESTION.

MR. SALT said, he wished to ask the Secretary to the Treasury, Whether it is in contemplation to remove the entire or any part of the business of the Accountant General in Chancery to the Bank of England; if this is not the case, whether it would be possible to arrange for the payment of Chancery Dividend and Annuity Warrants at the Bank of England from August 20th to October 28th, during which period (with the exception of three days) the Office of the Accountant General in Chancery is closed; and, whether it is intended to fill up the office of Accountant General when the next vacancy occurs?

MR. STANSFELD said, in reply, that it was not in contemplation to remove any part of the business of the Accountant General in Chancery. There was no present definite intention on the part of the Government to alter the arrangements for the conduct of business in that department. He thought it would be premature to express any opinion on the subject of filling up the office of the Accountant General if it should become vacant; but he could not conceive of that business being conducted, though the method of its conduct might be varied, without some officer at its head filling an analogous position. He was prepared to add that, in his opinion, the present arrangements for the conduct of that business, more especially those to which the hon. Gentleman referred in the second part of his Question, were unreasonable, and required modification and improvement. The whole subject of the organization of that office was under the consideration of the Lord Chancellor and the Treasury, and he believed that some practical conclusion would be come to which would remove the inconveniences which he imagined the hon. Gentleman had in mind.

## ELEMENTARY EDUCATION (*re-committed*) BILL.—[BILL 167.]

(*Mr. W. E. Forster, Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 7th July.*]

Bill *considered* in Committee.

(In the Committee.)

Clauses 58 to 60, inclusive, *agreed to.*

Clause 61 (Proceedings on default of authority to make Returns).

Amendment proposed, in Clause 61, page 23, line 2, after "Act" to leave out the words to the end of the Clause, for the purpose of inserting the words—

> "The Education Department may appoint any person or persons to make such Returns, and the person or persons so appointed shall for that purpose have the same power and authorities as the local authority,"—(*Mr. W. E. Forster.*)

—instead thereof.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 62 (Inquiry by Inspectors of Education Department).

MR. VERNON HARCOURT said, the machinery of the Bill was to begin by calling for a certain number of Returns, which were to be forthcoming on the 1st of January, 1871. That hung up the whole matter until these Returns were made, and practically postponed the working of the Act till 1871, when the real business would begin by the sending down of Inspectors. Would it not be better to send down the Inspectors at once? He had very little confidence in Returns. The Returns of the existing schools would be all of a satisfactory character; and getting them would be a mere waste of time. It would be the "year's grace" under another name. The First Minister of the Crown said last night there could be no question of a school rate for two years. He heard the statement with dismay, and in order to hasten the operation of the Bill, he would propose, in Clause 62, line 9, to leave out all after "Inspectors" and insert—

> "Who shall proceed forthwith after the passing of this Act to inquire into the sufficiency and efficiency of the schools in each school district, and shall, on or before the first day of January, one thousand eight hundred and seventy-one, report to the Educational Department thereupon."

MR. DIXON said, that in the case of Birmingham there were ample Returns from Mr. Fitch, in relation to the schools in that district. Would the right hon. Gentlemen at the head of the Department state what could be done under this clause there?

MR. W. E. FORSTER said, these clauses had been framed with the idea of giving the Committee of Council power to get the work done as quickly as possible, and his impression was that it would be very difficult for the Department to keep pace with the demands upon it that would arise under the clause, and that during the autumn they would have work almost equal to the work they had had during the progress of this Bill. How could they, without obtaining information, enter upon the most difficult task of supplying the existing deficiencies in education? By ignoring what existed, it might be possible, by means of a great waste of educational power, to get to work a few months earlier; but the time occupied in obtaining this information was not time wasted. He had made a slight alteration in Clause 34, in order that the Department might at once set to work to inquire what districts should be united. As to Birmingham, the information already obtained there would not enable the Committee of Council to dispense with the necessity of obtaining fresh Returns, though no doubt the information which existed would be of considerable assistance to the Department, and enable them to supply the Act much earlier there, and in other places where similar information was supplied, than in towns where there had been no inquiry.

MR. VERNON HARCOURT said, his right hon. Friend had not answered one question. Supposing he were determined that more schools were necessary in Birmingham, would he establish them at once, or would he wait till the beginning of January next? That was the most material point; for, although they might know that a town required a school, yet, as the First Minister stated last night, they might not be able to obtain it for two years.

MR. W. E. FORSTER said, this was a point on which the Government would have work to do. He did not think that time would be gained by endeavouring to do without Returns. His hon. and learned Friend was entirely mistaken when he said that the Bill would not get into operation for two years. In the metropolis they hoped to be able to get to work at once, and in willing towns, such as he believed Birmingham to be, the Act would be in operation much earlier than two years. He did not think there would be any advantage in sending an order to Birmingham at once to establish additional schools.

Lord JOHN MANNERS said, that the Reports of Inspectors were not necessarily infallible, and the right hon. Gentleman was right in adhering both to the Returns and the Reports.

Amendment, by leave, *withdrawn.*

Sir HARRY VERNEY asked, whether it would be competent to the Committee of Council to employ female Inspectors for the inspection of girls' schools?

Lord JOHN MANNERS said, he would suggest that the Inspectors should be married men, and should take their wives with them.

Mr. W. H. SMITH said, that the education of girls was not so completely useful as it might be, and it would be better if their school training was less ornamental and more fitted to enable them to discharge the duties of their station.

Mr. W. E. FORSTER replied, that the Education Department had power to appoint women as Inspectors; but the Inspectors under this clause would examine whether there was a sufficiency of education in a particular district, and that was not a case in which they would be very likely to employ women.

Mr. STEPHEN CAVE asked, whether such infant schools as were often found in villages would be recognized by the Inspector?

Mr. W. E. FORSTER said, the precise instructions to be drawn up for the guidance of the Inspectors would be a work of considerable difficulty. He could not do more now than state the general principle which would be adopted by the Department: on the one hand, they would take care that the schools they found in the district should be efficient enough to be included; and, on the other hand, they would not think it right for such a purpose to exact all the conditions which were required in order that the school might receive public money.

Clause *agreed to.*

Clause 63 *agreed to.*

Clause 64 (Public inquiry).

Mr. COWPER-TEMPLE said, he rose to move the insertion of words securing that due publicity should be given in the district to the Report of the Inspector who held the inquiry. As the clause stood, the Department was not obliged to let the world know what the Inspector had reported, and might even mulct the district in costs without disclosing the grounds for such a proceeding. He begged to move, in page 24, line 4, after "thereon" to insert the words—

"And the Education Department shall cause such Report to be published and deposited with the churchwardens or overseers of the parishes to which the inquiry relates."

Amendment *agreed to.*

Clause *agreed to.*

Clause 65 (Attendance of child at school).

Sir THOMAS BAZLEY said, he would propose Amendments so as to make the first part of this clause read as follows:—

"The Education Department shall require every school Board exercising powers under this Act to put in force the regulations respecting attendance at school contained in the fifth Schedule to this Act, and for that purpose to appoint the necessary officers; and all costs incurred by such officers shall be defrayed by the school Board; any school Board failing to comply with this section shall be deemed to be a school Board in default."

The object of his Amendment was to make the compulsory provisions simple and straightforward in their application. In accordance with the provisions of the Factory Acts there were 85,000 children under a course of instruction perfectly compulsory, and that compulsory education had been found to be exceedingly beneficial; for he knew that such was the case in reference to nearly 2,000 children in his employment when he was in business. Many of them, instead of continuing to be factory hands, had entered into competition with small traders, and in many instances had obtained no slight degree of eminence among the middle class. His schools were under the British and Foreign School system; and one of the pupils, though religious instruction was not enforced by the Factory Acts, had become, after going to College, a clergyman of the Church of England. As a proof of the necessity of compulsion, he might mention that in Manchester some benevolent persons determined six or seven years ago to make an effort to give education to about 22,000 children, many of whom were idling about the streets, and likely to end in prisons or poorhouses. About three-fourths attended pretty regularly at first, but gradually the number sank down until there were not more than 10,000 on the books of the Education Aid Society. If they looked to the course of proceeding among persons of the middle class and in high life, they saw that compulsion was the rule; and he durst say that even many Members of Parliament regretted that more compulsion had not been exercised over their education. He knew of the case of a tutor at one of the Universities taking forcible possession of a student within ten days of the final examination, and, by giving him all the cramming possible, saved him from being plucked. With respect to the children of the poor, it was quite clear that, unless they were properly trained and taught, they became completely useless members of society; and what he wished was that the Legislature, having sanctioned the principle of compulsion in the Factory Acts, should now extend that principle further. With regard to the children of the poor, there was no doubt that this great scheme of education would be unproductive of all the moral and educational results they desired to attain unless they had recourse to compulsion; and he hoped that his right hon. Friend (Mr. W. E. Forster) would accept his Amendment, which he (Sir Thomas Bazley) believed was indispensable to the success of the Bill.

Amendment proposed, in page 24, line 19, at the beginning of the Clause, to insert the words "the Educational Department shall require."—(*Sir Thomas Bazley.*)

Question proposed, "That those words be there inserted."

MR. LIDDELL said, he was unable to support the Amendment, though no one was a stronger friend than he was of the compulsory system. He thought that the time was very near at hand when the system of compulsory attendance at school would be accepted by the people. A feeling in favour of it was becoming stronger from day to day; but the plant must be allowed to grow spontaneously, and could not be forced, and he objected to the Amendment because he thought it would have the effect of preventing the spread of opinion favourable to compulsion, and would cause a reaction against it. In the United States they all knew that the cities and townships had the power by law, and almost in every instance had exercised it, of framing by-laws for compulsion; but Mr. Fraser, one of the ablest of educational inquirers, had stated that that law was a nullity, because it was not in accordance with the feelings of the people, and that gentleman also remarked that truantism and absenteeism from school were increasing in the United States. Then what reason was there to suppose that compulsion would be more in accordance with the feelings of the people of this country than it was in America? Under these circumstances, he preferred to forcible measures the tentative process wisely adopted by the Government in the present Bill. At the same time, he anticipated that all the objections to a compulsory system would lessen every year in proportion as educated parents supplanted uneducated parents from time to time; because the former, appreciating the advantages of education, would be anxious to secure those advantages for their children. He, therefore, hoped the Government scheme of permissive compulsion would be allowed a fair trial. If it failed in any district, it would merely be the failure of a locality; but if a general compulsory law was passed and that failed, its failure would be a discredit to the Legislature.

MR. PEASE said, he had an Amendment, the object of which was to turn the word "shall" in the proposal of the hon. Member for Manchester (Sir Thomas Bazley) into "may." That alteration would place more power in the hands of the Education Department than the Bill as it stood at present gave; and, at the same time, it would prevent the Department from being forced of necessity, as the hon. Baronet's proposition would force it, to make attendance at school compulsory in every school district having a school Board. In all cases the Education Department might not deem the compulsory powers applicable; but, in extreme cases, when it was found that the children were still running about the streets in a wild or neglected state, the Department would have the discretion allowed them by his proposal of compelling attendance. He thought that there was great difficulty in the way of adopting the Amendment of the hon. Baronet the Member for Manchester, and some persons preferred indirect compulsion; but that appeared to him a most clumsy expedient. He knew that at the coalpits, where there was a great demand for labour, the schoolmaster's certificates, without which the young persons could not be put to work, were easily obtainable, and it had been alleged could be bought at the rate of 1*s.* a piece. They had already decided that in the boroughs the school Boards should be elected by the Town Councils, and he was anxious to avoid the danger which he now anticipated—that in the election of Town Councillors those who were in favour of educational compulsion might often be the least popular with ratepayers, on account of the expense involved in an educational rate. In the district in which he resided the Highway Act worked well, the roads had been improved, the rates kept down, and the farmers all liked it. But when the hon. Baronet the Member for Scarborough (Sir Harcourt Johnstone) endeavoured to introduce the Act into his own district, from being the most popular man there, he became the most unpopular. If, however, the power of introducing that Act had rested not with individuals, but with the Government, much of the feeling of irritation thus occasioned might have been avoided. The Health of Towns Act, again, was one which it was optional with the ratepayers to adopt, and, in many cases, they put it off as long as possible, the result being evident in the non-drainage and the neglect of sanitary arrangements within the district. If the enforcing of that Act were placed in the hands of a central authority, many of the evils now complained of would not be suffered to go unchecked. This Bill was intended to diminish the rates by diminishing the ignorance and consequent poverty and vice which pressed so heavily upon the ratepayer; and if the House did not believe that they were about to diminish poverty and crime, it was no use touching the education question at all. Drinking, which wrought so much mischief to the population was attributable mainly to the want of education; and strikes, that had so greatly harmed the mercantile interests of the country, had been vastly aggravated in their effects by the ignorance of the men who engaged in these proceedings. If, for the last 15 years, there had been in this country an educated class of working men, many of these struggles might have been avoided. Another important point to which he would allude related to the stream of emigration that was constantly flowing out from this country. These emigrants ought to be educated if they were to be of any use to the countries to which they went. His objection to the Bill as it stood was that it did not go far enough, and he wished to place more power in the hands of the right hon. Gentleman (Mr. W. E. Forster), and his successors at the Education Board. He therefore proposed to replace the word "shall" in the Motion before the House by the word "may."

Amendment proposed to the said proposed Amendment, to leave out the word "shall," in order to insert the word "may."—(*Mr. Pease.*)

Lord ROBERT MONTAGU said, they were all anxious to promote the education of the people; but the question was as to the manner—how they were to get at the children in order to educate them, and what were the proper means for their education. The hon. Member for South Northumberland (Mr. Liddell) said the day was not far distant when the school Boards would compel the attendance of the children in the schools—that meant that the employers of labour would compel the children of the working classes, although no compulsion was to be exercised upon their own children. Now, did the House think that such a compulsion would be acceptable to the working men themselves? Did he think that such compulsion would, in any sense, be popular? The hon. Baronet the Member for Manchester (Sir Thomas Bazley) had proved the contrary. Several years ago, when a great stir was made about education in Manchester, the promoters of the movement persuaded the parents of 20,000 poor children to accept free tickets for the school; but now the hon. Baronet said there were not 10,000, and he believed he might say 5,000 such children in attendance. This showed that even a free education was not acceptable to the working men. Still less would it be acceptable if made compulsory. Such a proposition involved a contradiction in terms. For what was compulsion? Making a man do what he disliked. Compulsory education was, therefore, necessarily unacceptable or unpopular. The hon. Baronet was therefore for putting the power of compulsion into the hands of the Education Board. He (Lord Robert Montagu) thought, however, that the argument in favour of that proposition would not hold good more than the other. What kind of education was to be forced on the children? Would the Board compel children to attend denominational schools? To that hon. Members on the other side of the House had already decidedly objected. But then he (Lord Robert Montagu) as decidedly objected—and there were thousands of persons in the country who just as decidedly objected—to the children being compelled to attend secular schools. But if the Education Board were not to compel children to attend either denominational or undenominational schools, it meant that there must be no compulsion at all. Now, as to the practical possibility of this compulsion. The hon. Member for Manchester afforded them by his Amendment a glimpse into the difficulties that would have to be encountered. What an immense amount of extra police the proper working of the measure would require. Take the town of Liverpool alone. It was calculated that there were in Liverpool 80,000 children, of whom 20,000 never attended school, while the attendance of 10,000 others was too irregular to be of any use. How were they to find the means of looking after these 30,000 children? There would be, of course, a great army of police with power, as they had heard, to enter houses to see whether the children were at school. But still compulsion would be impossible. In Liverpool it was said there were 20,000 removals in the course of the year; how were the police to follow up these families through their removals, and see that all their children were continued at school? How were the police even to know what children there were? There must evidently be an authoritative list; there must be a compulsory registration of births—a thing which the people of England would never stand, nor the House of Commons sanction. Then there must be another registration of daily attendances at school; and an army of police clerks must compare these lists daily, and schedule the discrepancies. There was a more grievous impossibility still. A poor man, barely able to keep himself out of the workhouse, was often dependent on the labour of his children for 30 per cent of his weekly income. Suppose a parent under such circumstances was taken up and brought before a magistrate for not sending his child to school, he would no doubt have a most piteous tale to tell. He would allege that the effect of a fine, or even of compulsory attendance at school, would be to condemn his children to starvation and himself to the poorhouse, and the magistrate would have no choice but to let him off. By-and-by another case would come, not so heart-rending as the first, but still very hard. The magistrate would let that parent off, too. Then another would occur; till, in short, the system of compulsion would break down, just as it had done in America, where the law was a dead letter. He maintained that, in the first place, it was wrong in principle for the State to compel children to go to school; and, in the next place, that it was impossible. In some localities, it was true, the difficulties might be slight; but one general law could not be made for the whole country; such a law was impossible. The utmost that could be done was to leave the question in the hands of school Boards as the Government proposed; and he would therefore give that proposition his support.

MR. LEATHAM: Sir, the object of my hon. Friend's Amendment is to make education everywhere compulsory, and so to carry out to its fullest limits a principle which I understand the Government only to entertain experimentally. Although I am not by any means convinced that the principle of direct compulsion is applicable to English elementary schools at all, if we except those classes which may be considered to have forfeited their independence, and to have become for the time wards of the State—and although the plan of permissive compulsion is open, as my hon. Friend the Member for Durham (Mr. Pease) has shown, to grave objections—yet, on the whole, I prefer the proposition of the Government to that of my hon. Friend. Of course it may be said, if you oppose direct compulsion altogether, you are bound to oppose it under any limitations; but I think that the cry for direct compulsion has become so strong in some quarters, that perhaps the best method of meeting it is to show by actual experiment, and that under the most favourable conditions, what I am about to attempt to show by argument, that the principle is foreign to our tastes, habits, and sentiments, and that it will be found impracticable to apply it to the country at large. I must even demur to the theory upon which my hon. Friend the Member for Sheffield (Mr. Mundella), who will doubtless take part in this debate, founds his whole argument—namely, that the State is just as much bound to punish the man who neglects to provide his children with daily schooling, as it is bound to punish him if he neglects to provide them with their daily food. For there is no true analogy between the two cases. The mind does not necessarily perish because a child is not sent to a day school. The mind has a thousand sources of nourishment and development besides the alphabet. The exercise of the affections, the use of common observation, intercourse with those who are better informed than ourselves—all these nourish and enrich the mind; and over and above all these there is that education which, as Mr. Arnold has well said—

> "Governments neither give nor take away. In the air of England, in the commerce of his countrymen, in the long tradition and practice of liberty, there is for every Englishman an education without a parallel in the world."

So that it no doubt very often happens that we find a child well-informed for his special position in life who never darkened the doors of a day school. There are 1,000,000 of persons in this country who are engaged in a daily struggle with pauperism. Will you punish the father because he staves off pauperism by the labour of his children, and throw the whole family on the parish in order that they may be taught? Now, there are many things which it is desirable to promote — many things which a good parent ought to do for his children, and which, under a paternal form of Government, the State, standing everywhere in *loco parentis*, insists upon his doing, but which under a free Government—a Government interfering as little as possible with the domestic affairs of the subject, trusting as much as possible to the force of good example and the existence of right feeling among the people, and as little as possible to an elaborate code of rules enforced by the omnipresence and omniscience of the police—the State refrains from insisting upon, wisely, as those of us who place faith in the conditions under which our country has grown great, believe—unwisely according to my hon. Friend, who is for ever casting a longing glance at the ways and institutions of the Continent, Continental notions of government, and Continental notions of liberty. No doubt there are advantages in the Continental system which we who pursue an opposite system must be content to forego. It is a great thing, no doubt always to be able to find a policeman when you want him, although he may be engaged in peeping through your own keyhole. It is a great thing to find your life mapped out for you by authority and fenced about with a thousand penalties; but the country to which we belong has grown so great in defiance of this system—in defiance of these principles—and we are still blind and old-fashioned and bigoted enough to rejoice that we are not a drilled nation, that we are not registered and inspected and certified from the cradle to the grave, that every Englishman's house is still his castle; we are still foolish and prejudiced enough to rejoice that we are free. Yes, free to do a great many things which may not be for our good, and to neglect a great many things which might be for our good; for in that freedom there is life, and it is this free life which, with all our presumed inferiority, makes it a prouder thing to be an Englishman than to be a Bavarian, or, for anything that I have heard to the contrary, to be a Wurtemberger. This exceeding difference of character, and sentiment, and condition, therefore, the difference between a nation like the Germans, with reference to whom Mr. Horace Mann says, that—

> "The State steps in to take care of the subject almost as much as the subject takes care of his cattle"—

between a nation which is on that account one of the least self-reliant, the least energetic, the most reverent for authority, used for centuries to lean upon its rulers, and a nation like our own, one of the most self-reliant, and the least tolerant of either ecclesiastical or police interference in the world; I say that this enormous contrariety must be taken into full account before we jump with my hon. Friend to the conclusion that institutions which embrace the very essence of the paternal system are admissible here. But there is another cause for the success of compulsory education in Germany, partial though it be, which remains to be stated—

> "The compulsory school attendance," says Mr. Pattison, in his admirable Report to the Newcastle Commission, "dates from the earliest period of the Reformation, and was a recognized religious duty long before it became a law of the State. From the time of Luther's address to the municipal corporations of Germany, 1524, this has been so recognized, whether it was enforced by enactment or not. It was the distinction of the Protestant child that it should be taught to understand and practise the doctrines and duties of its religion; it was the business of the Church to see that all its youth did so. The edict of 1716, which is popularly regarded as the source of the Prussian compulsory system, does really nothing more than give the sanction of a Royal ordinance to an existing practice."
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> "The schooling," he says elsewhere, "is compulsory only in name; the school has taken so deep a root in the social habit of the German people, that were the law repealed to-morrow no one doubts that the schools would continue as full as they are now. In the free city of Frankfort, there is no compulsory law, and I was assured, by persons most likely to be informed, that all the children of school age are as regularly sent to school there as in any other town of Germany."

I need not waste the time of the Committee in proving how opposite is all this to the sentiment in this country. In Germany all precedent is in favour of compulsory education—in England all precedent is against it; and the amount of police interference which would be required in order to carry into operation a law flagrantly at variance with the tastes and habits of the people no one in this country can say, for no one in this country has tried. But, Sir, I am prepared to contend that, even in Germany, my hon. Friend exaggerates the success of this system. Mr. Pattison gives the usual Table of attendance at schools, and remarks—

> "The above Table only represents the number of children entered on the school books, and conveys no idea of the regularity with which they attend. All who have to do with the elementary schools agree that here is their great difficulty. Where there is neither resistance to the law nor desire to evade it, there is a want of resolution to make the attendance uniform and punctual. Districts vary very greatly in this respect. I have seen schools in which the absence book disclosed a most lax state of attendance, where the absences had increased to such a head that the master had ceased to register them."

And this irregularity is increasing—not in the outlying provinces merely, but under the very eyes of the Bureaucracy in Berlin itself. Former arrangements for securing attendance having been found insufficient; a new and severe system was organized in 1845.

> "These measures," says Mr. Pattison, "were at first attended by a steady diminution of the irregularities they were intended to subdue. . . . Since 1850, a turn has taken place in the opposite direction. Factory labour and pauperism are both gaining ground, and irregularity in the attendance at the common schools is on the increase."

Now, let us see this system in contact with the demands of labour. I have no doubt my hon. Friend will refer to Saxony—

> "In Chemnitz," the centre of the cotton manufactures, "the Inspector assured me," says Mr. Pattison, "that he could take upon himself to say that there were no children, within the school age, who were not attending school in some form or other."

Now, for what is meant by being at school—

> "In Chemnitz, child labour is employed in two kinds of manufacture—in the cotton mills and in the print works. In the former, the children, who have mostly been on foot since 3 in the morning (work begins at 6), go into school from 10 to 12. They then have one hour for dinner, and go to work again from I to 6, but are often kept later, there being in Saxony no limitation of the hours of labour. This arrangement of school hours is an improvement which has been obtained by the personal exertions of the local Inspector, working upon the humanity of the millowners. Before, the children worked from 6 to 6, and had to take their schooling in their dinner hour. All that the teacher could do, under the circumstances, was to read out something to them while they rested and ate their bread; often all they had to eat. In the print-works, where work can only be done by daylight, and, consequently, the employers insist on having the whole day, the children must go to school in the evening, in the regular school, and to the regular school teacher. Both teacher and class are too fagged for a successful lesson."

But let us turn to a country much more nearly resembling our own in its notions of freedom. Let us turn to Switzerland. Bear in mind that there is no compulsion in the Canton of Geneva, and yet education is just as prosperous there as in any one of the French Cantons. This is due to the existence of that popular sentiment which is not created by law in a free country, but which creates it, and without which the law is powerless—

> "But I take," says Mr. Arnold, "the largest and richest of the French Cantons—the Canton of Vaud. In the Canton of Vaud, the law makes attendance at school compulsory on all young persons between the ages of 7 and 16. At Geneva, the best informed persons did not hesitate to assure me that the obligation of school attendance in the Canton of Vaud was perfectly illusory,

When I mentioned this at Lausanne, it was indignantly denied. I was told that the schools of Vaud were excellently attended, and its population almost universally instructed. But of this I had no doubt. So they are everywhere in the prosperous Swiss Cantons; so they are in Geneva, where education is not compulsory. What I wanted to find out was whether the legal obligation was actually put in force to constrain the attendance of children who, without such constraint, would not have attended; whether in Vaud, where education is compulsory, children went to school, who, in Geneva, where it is not compulsory, would have been at work or at home. I could not find that they did. I was told that it was necessary to execute the law with the greatest tact, with the greatest forbearance; but, in plain truth, I could not discern that it was really executed at all."

And if we pass on to America, we shall find precisely the same state of things. They have a truant law in New York City; but, Mr. Randall, the city superintendent, tells us that there are—

"100,000 children within the city who either attend no school, or whose means of instruction are restricted to the very briefest period."

And if my hon. Friend should say—"New York is not America," let him turn to the New England States. Commenting upon the severe law of Connecticut, the State superintendent says—

"The provisions of this section have sometimes been enforced; but facts are too abundant to admit of a doubt that there are many children in this State whose education has been neglected in open violation of the laws."

And the Rev. B. G. Northrop, agent of the Massachusetts' Board of Instruction, remarks—

"No fact connected with our schools has impressed me so sadly as the extent of truancy and non-attendance, and the strange apathy of the public as to this fruitful form of juvenile crime."

No wonder, then, that Bishop Fraser sums up his Report upon the compulsory law in the States in the emphatic words quoted by my hon. Friend the Member for Northumberland (Mr. Liddell)—and no wonder that with this evidence before him he should have expressed himself the other day as follows:—

"If any system could be discovered by which the children of apathetic parents could be got into our schools, whether directly or indirectly compulsory—which would not be merely nominal, but real and effective—no one would rejoice more than he would at the result. But he wished it to be remembered that compulsion represented a power which, to an Englishman, was the most hateful of all powers. It was said the workmen desired compulsion; and, if so, the problem was solved; but he confessed that he received the statement with considerable doubts. He should like to have it proved by more direct evidence than he had yet seen. A law, and particularly a compulsory and prohibitory law, which was not obeyed, and which was systematically trampled under foot, was about the most demoralizing and anarchical thing in the great interests of the stability of the social structure that any nation could have upon its statute books."

For why is the law respected in England? Because it never goes beyond its own province; because it follows, and does not precede public opinion; because it bears with equal weight upon the rich and upon the poor. Reverse these conditions. Carry your laws beyond the limits marked out for them by the usage of centuries, precede public opinion instead of following it, and you will make law in England what it sometimes is abroad—a thing of prefects and gendarmes; a thing to be evaded whenever it is safe, and to be trampled under foot in the midst of tumult and bloodshed at the first opportunity. Now, Sir, before I sit down, I should like to quote a few words upon this subject, from a speech delivered in 1868 at Birmingham by a right hon. Friend of mine, who is still a Member of this House and of the Government, although, for the moment, he has withdrawn from our debates; and I am sure that any speech of his will have weight with my hon. Friend, because the other day he referred in terms which were very grateful to many of us, almost as though it were a national calamity, to the continued silence of that voice—

"I should recommend," said my right hon. Friend, "rather what I may call a steady progress than a great rush—because in making a great rush upon this question, and introducing measures based upon what I look at with great doubt—a compulsory and forced attendance at schools, I am not sure that you will not produce among the people a reactionary feeling, which would defeat the very object which you have at heart. . . . And if you bring too much weight to bear upon the people before they are sufficiently enlightened to approve your efforts, you may find that there is a great reaction, and your difficulties become almost, if not altogether, insuperable."

Sir, if this were the proper occasion, I should have pointed out where I think the existing system has missed it, and how great and numerous have been its defects—defects, but for the existence of which, we should never have heard this cry for compulsion. Some of these defects have been removed by this Bill. Others remain, and it will be the labour, as it will be the triumph, of those who aspire to make education really national to remove them. When they are removed, trusting, as I do, to the common sense and right feeling of the working classes, and to their notorious desire for education, I am convinced—and convinced with a persuasion which no clamour of leagues or unions can ever shake—that we may spare them the humiliation of a compulsory law. Sir, it may be that my views upon this subject disentitle me to be considered a sound Liberal; but I never yet heard that sound Liberalism consisted in a profound disbelief in the great body of my fellow-countrymen, in a studied disregard for the inviolability of their homes, in a contempt for that personal and individual liberty which is a grander, because it is a rarer thing than public freedom.

MR. MUNDELLA said, it was quite evident his hon. Friend (Mr. Leatham) had undertaken to answer his speech before he had made it. But there was a short way of removing many of his prejudices with reference to the Continental system, and that was to take a return-ticket to Germany at an expense of about £20. If his hon. Friend did that he would, he felt satisfied, come back a very much altered man in his opinions. ["Oh, oh!"] If any hon. Member doubted what he said, let him read the Blue Books which were furnished to the Committee of 1867, or the Reports of Mr. Arnold. His hon. Friend contended that the system of compulsory education in Germany merely followed a custom which was already in existence; but he immediately afterwards turned round and talked about police, and the people being dragooned by them into education in that country. Was there not, he would ask, some discrepancy between those two statements? Now, no one could have a greater love or admiration than he had for his country. [An hon. MEMBER: Which country?] The country in which he was born, and of which he was proud to be a native. He thanked God that although of foreign descent and the son of an exile, he was born among the working classes of England, and had fought his way to his present position. Having made those remarks, he must express his regret that this the most vital portion of the Bill had never previously been adequately discussed. The question of compulsory attendance was a most serious question, and one that ought not to be met by sneers. They had thrown the whole burden of the supply of school accommodation on the Consolidated Fund and on the rates, but it had not been decided how the children were to be got into the schools. His hon. Friend near him (Sir Thomas Bazley) proposed direct compulsion, and he believed his right hon. Friend the Vice President of the Council took much the same view. His hon. Friend who spoke last, however, seemed to think that all that was necessary to be done was to rely on public opinion. But what, he would ask, had public opinion as yet done for the promotion of education in this country? He was sure the time was not far distant when they would be astonished to think that they had not long had direct compulsion. It was said that compulsion was un-English; but many of the things which were un-English to-day became English to-morrow. Slavery was at one time English, but it had ceased to be so, and he hoped to see the time when pauperism and ignorance would cease to be so too. The cry for compulsion, he might add, came directly from the people—it came from below and not from above. No despotic Government had ever insisted on education. What had Italy, what had France, what had Spain, what had Russia, in which there was no such system, done for education? Education in Prussia and in Scotland came out of the Protestant Reformation. It owed its birth in those countries to Luther and John Knox. It was social pressure, the influence of the Church, and the appreciation of religious freedom which had promoted education both in Germany and in Scotland; and 30 years ago, when Germany found her towns were outgrowing these forces, she resorted to compulsion; but Scotland had not done so, and the result was that although no country turned out better men, still it was fast declining. In Glasgow, out of a total of 98,767 children of school age, 35,565 were attending school, and 63,202 were not; and an Assistant Commissioner of Education reported that in the whole country there was a considerable surplus of accommodation as compared with the attendance, that the majority of schoolmasters were of opinion that direct compulsion was an absolute necessity, and that many ministers and laymen held the same view. A quotation which had been made with reference to Saxony was not a fair one, because the passage was followed by another, which stated that the success of its system was complete, and that a temporary interruption to that success was due to a sudden rise in the value of labour in various districts. Besides, the French Commissioners who visited Saxony reported that an uneducated child was not to be found. He regretted that, although they were to have compulsion, it was not to be direct, and what they were to have was not to be universal. It was to be within the province of the school Board only, and the Amendment of the hon. Member for Berkshire (Mr. Walter) having been rejected, the school Boards were not to be universal either. But he rejoiced that the principle was conceded. They were, however, about to try compulsion under the most disadvantageous circumstances, and he wanted to know how the system of permissive compulsion was to work; for, in the cases of many large towns, which he was glad to know would adopt compulsion, thousands of men who worked in them lived outside the municipal boundary, and the consequence would be that those who were within it would be subject to compulsion, and those who were outside would escape it, and the former would be weighted in their competition with the latter. The object of the Bill was to provide education for every child; but what reason was there to believe that the provision would be used unless the children were brought to the school? Were they not told on authority that there was room for 300,000 or 400,000 children in existing schools which were not filled; that in the East-end of London, in one square mile, there were 28,000 children not attending school, although many schools were not filled; and that there were families spending 4*s.* 3½*d.* a week in beer, and 2*d.* a week in the education of their children. Nothing but compulsion would operate there, and he should like any person to point out an educated country in which compulsory education had not been enforced. As to America, where it was said the law had not been carried out, the compulsory law, like their Workshops Acts, had provided no machinery, neither had it been necessary until recently; but all American school reports were now unanimous in complaining of absenteeism, due largely to the country being deluged with emigrants; and they insisted that compulsion must be carried out. In some of the larger towns of the New England States there had recently been appointed "truancy commissioners." Lowell had three, who last year summoned 770 persons; and the result was that 97 per cent of the children were attending school. He was continually receiving American reports, and they all showed that the Americans were determined to carry out compulsion. As to interference with personal liberties and parental rights, was there any country in Europe so thoroughly paternal in its legislation—in many respects in the wrong direction—as this was? One in 20 was in receipt of Poor Law relief; 60,000 children of paupers were dependent upon the State; one death in six in the metropolis occurred in a public institution, either in a prison, a workhouse, or a hospital; and in the face of these facts could it be said that they had not a paternal Government? They were cruel parents after all, for they neglected children; they allowed them to grow up to be criminals and paupers, and then they kept them in hospitals, workhouses, or prisons. Why could they not begin their paternal attentions a little earlier? Why should all the wrong be done to the children? Had they no rights? Under the protection of the police he had recently explored some of the crowded parts of London, and the sights which he had seen were of the most horrible character. He saw courts in which children, poor, miserable, squalid, and neglected, were as thick as flies in a sugar cask. In one court the children were so thick that he could hardly help putting foot upon them, and their parents were in the gin shops. Within a few yards of that House there were thousands of children who never came in contact with human love, who never heard a virtuous sentiment, who never had any teaching but that of the streets, whose parents were to be found in the gin palaces and the public-houses; and yet the State neglected these children because, forsooth, it respected the "liberty of the parents!" Yes, this was tolerated in the name of civil liberty, of paternal liberty, and of paternal rights; and the results were such, in 20 districts of London, that no language could describe them, and that no one could see them except under the protection of the police. These were the fruits of leaving education to popular sentiment, to the parents, and their religious teaching to the Churches. He tested dozens of these neglected children, and he did not find one in 20 who could say the Lord's prayer, or make out words of one syllable. Colonel Henderson and the Commissioners of Police would tell them that the only way of dealing with the condition of things he described was by beginning with the children, but they begrudged a few shillings a year; they debated about a 1*d.* rate for remedial purposes, while they did not mind paying poor rates of 3*s.* 3*d.* in the pound, spent £10,000,000 or £11,000,000 upon pauperism, and maintained prisons for the criminal fruits of ignorance. A meeting held in Manchester, presided over alternately by the Vice President of the Council and the Secretary of State for the Home Department voted unanimously in favour of compulsory education, and he was satisfied the working classes would, before long, demand it from that House. Soon after that meeting he received a letter strongly in favour of compulsory education, as necessary for dealing with ignorant and indifferent parents, and as producing indirect results in the elevation of parents equally valuable with the education of their children, from a German gentleman, Mr. Charles Ecker, one of the oldest and largest manufacturers of Chemnitz, that gentleman, who had seen the rise of compulsion in Saxony, prognosticated that the work of education would never be successful in England until the same principle was adopted, and testified to the vast improvement which had taken place in the habits of the Saxons as a consequence of this compulsory education. They had neglected their duty so long that they hardly knew how to set about doing it. There was more money spent every year in London in false charity than would educate the whole of the children of the country. Here, as in Switzerland and Germany, the first thing to be done was to clothe the children and make them decent to attend school; and this presented a large field of work for useful associations of women; but it was work that would soon be done by voluntary effort if the ulterior benefit of education were to follow. Compulsory education was necessary for the protection of the children of the honest, hardworking man in large towns; but the necessities of the working man confined him to localities like those he had described, and at present it was absolutely impossible to prevent his children associating with those of thieves and prostitutes, and becoming subject to the most horrible contamination. By their neglect they were fostering around them a mass of corruption; the great wonder was that it did not force itself upon public attention, and if it did not they might depend upon it that they would some day reap the bitter fruits of their neglect when famine, war, or some other great calamity occurred. If the Committee had not courage to give compulsion for the ages proposed, let them do so for children between the ages of 5 and 10, or 9. Where was the hardship in respect of the children of these ages? Other countries adopted it for children between the ages of 5 and 14. No country was so dependent as this upon the intelligence of its people. The Swiss, in a country without natural advantages favourable to commerce, were becoming, to the alarm of the French, the chief merchants and manufacturers of Europe; Austria had adopted compulsory education, it prevented children working under the age of 12, and it was to be feared that it would become an educated country long before England; and yet England possessed in her workmen a raw material which, if educated up to the point of intelligence, temperance, and thrift, would make it not only the freest, but the greatest and happiest nation in the world.

MR. W. E. FORSTER said, if time had not pressed, he should have been unwilling to interpose at this stage of the debate, conducted, as it had been, with such marked ability; but he thought the Committee would consider he ought to give the reasons why the Government had taken the particular line they had done. He also wished to ask the Committee to keep before them what he conceived to be the exact question. Although the hon. Member for Huddersfield (Mr. Leatham) had supported the Government plan, and the hon. Member for Sheffield (Mr. Mundella) had opposed it, in respect of general principles he agreed more with the latter than with the former. He did not believe for a moment it would be considered un-English to face this difficulty; on the contrary, he believed the English people, though slow to acknowledge it, would take a practical view of it independent of preconceived prejudices. He agreed that before long the principle of compulsion would probably be acknowledged; and, indeed, it was already acknowledged in the adoption of indirect compulsion. They were now adopting for the first time a law which said that there should be full provision for education. They must remember how much they were behind foreign countries, which, in advance of them, had acknowledged the principle that there should be provision for schools. They had not done so yet, and that was one reason why he was so anxious not to lose a year or even a month in doing so. Until the schools were provided it would be impossible to have compulsion general throughout the country. Even if they were to insert in this Bill the principle of universal compulsion, it would probably be at least two years with the utmost energy of the Education Department, and the utmost co-operation generally, before they could have all the schools provided throughout the country which would be necessary; and the real question was, whether, with the knowledge of the fact that they could not, for that length of time, have full provision made, it would be better to put compulsory provisions in this Bill, and, if so, what compulsory provisions. There were several courses, any one of which might be adopted, They might say nothing at all about compulsion; they might make compulsion universal, or, as the hon. Member for South Durham (Mr. Pease) had suggested, they might throw the whole responsibility on the Education Department and say they should decide when and where should be compulsion, or they might take the plan which had been adopted by the Government and give power to the school Boards to say when and where compulsion should be enforced. He would state the reasons why the Government had adopted the last alternative. First, should they make compulsion universal? He did not believe they were in as good a position now to pass an enactment making compulsion general as they would be two or three years hence. They had not the requisite information as to the machinery that would be required. They did not know the circumstances of the different districts or the general rules that should be applied to this exceedingly difficult case; and that information they would obtain in the course of the inquiries they would have to make. If they legislated prematurely without being aware of all the difficulties with which they had to contend, they might legislate to great disadvantage. He agreed that they could not rely on public sentiment alone; but no doubt there would be an infinitely better chance of compulsion being carried out in a manner acceptable to the country, and really enforced, if there was a strong expression of public opinion in favour of the system when the time came for that law to be passed. Well, attention being now strongly directed to the subject of education, it was his opinion that next year public feeling would be stimulated in favour of compulsory attendance to an extent it never had been before. Parents might be expected to see the great value of voluntary attendance, but he did not rely upon that. He believed compulsory attendance would be necessary. But there would be a much stronger public feeling in favour of compulsory attendance by the time it would be necessary to pass a universal Act upon the subject than there was at this moment. That was a reason why they should not attempt to insert prematurely clauses for universal compulsion in this Bill. He did not doubt but that there were many cases in which the putting a child to school compulsorily, and depriving the parents in the agricultural districts of the advantage of its labour, would be felt as a serious hardship. When they were framing a measure of this character, they must consider the circumstances not of one or two particular towns, but of the whole country. It was said that the working classes who attended public meetings on this question were in favour of compulsion, but a line must be drawn between that opinion which helped them in suggesting laws and that opinion which insured that those laws could be administered. Those working men were most earnest, and, generally speaking, among the most intelligent and upright of their class, but they formed only a small minority of the working men in the country; and in administration they had to deal with the whole population. Besides, after all, the principle of compulsion was acknowledged—at any rate, its direct application was novel. To say to a parent he was not the master of his child, and must not have the entire disposal of that child's time, was new to the mind of the people of England. It did not at once come home to them. A great many parents would revolt at it. There would be reluctance in some quarters and indifference in others. There must be a strong public feeling in favour of the principle before they attempted to legislate, otherwise they might defeat the object they had in view. He did not believe they could rely on indirect compulsion; it must be supported by direct legislation. They had pressed that principle as far as they possibly could. The state of their law with regard to indirect compulsion was in great confusion, and required to be considered whenever Parliament could attend to the subject. These were the grounds on which the Government had not thought they could put into this Bill the principle of universal compulsion. The hon. Member for South Durham recommended as another alternative that the discretion should be vested not in the school Board of the locality, but in the Education Department. Now the Education Department had not been slow to accept power or to ask for power; but he believed the Department would be slow to seek such a power. He should certainly hesitate a good deal before he accepted it. With all the other difficulties which they would have of deciding where there was a deficiency and how it could best be supplied, to make them the judges of the particular circumstances of each district in the kingdom—of how far direct compulsion might be applied in a district, or whether public opinion had reached such a point that it would be safe to apply it—would be imposing on the Education Department a duty which he feared they could but ill discharge; they had neither the time nor the information necessary to enable them to perform the task. The only other plan open to them was that proposed in the Bill, which gave to every school district in the kingdom the power of adopting compulsion, by first obtaining a school Board, and then making and enforcing by-laws. If the Government looked upon that as a final settlement they would deserve all the criticism and reproach which had been bestowed upon them, and he hoped the Committee would not suppose that he was not aware of the objections that applied to that scheme, as for instance, that it would be adopted in districts where it would be least needed, and not adopted where it was most required. But avowedly they regarded this as merely experimental and tentative, and as a means of obtaining information and guidance, and of stimulating public opinion and increasing pressure for compulsion as applied to all, if it should, as he believed it would, turn out a success. It seemed to some Members like his hon. Friend the Member for Brighton (Mr. Fawcett), that it would be disadvantageous to the principle of compulsion to try it in that way. He (Mr. W. E. Forster) was not blind to the disadvantages, for he knew that the district in which compulsion obtained would be put into competition with the surrounding districts, and the object of the Board might be defeated by compulsion not prevailing around them. On the other hand, if tried universally it would have to endure the ordeal of being tried in districts where there was great opposition to it; whereas now they were about to try it in districts where there was no apathy, but rather a feeling in its favour. Therefore it was his belief that, not as a final measure, but as an experimental measure, it would be advantageous to the principle of compulsion to try it first in the manner proposed by this Bill. However, it was for the Committee to determine the question. At any rate, he could not regret that the clause had been inserted in the Bill. Two great objects had thereby been attained. The first was that the principle of compulsion had been brought before the public in such a way that it would not soon be forgotten. Like household suffrage, having been once admitted, it would carry itself out to its final development. Another advantage was that all excuse had been taken away from districts not providing school accommodation. If they had not given that power it might be said—"Why rate us to make fresh school buildings and employ fresh schoolmasters when the present buildings are not filled, and when the present schoolmasters could do more work? There was now an unanswerable reply to that—namely, that they could themselves meet that difficulty by obtaining compulsory powers to secure the attendance of the children. Being himself convinced that upon this principle they must eventually more or less rely, he was very anxious that the Committee should not reject these clauses.

Mr. J. LOWTHER said, an Amendment stood in his name on the Paper proposing to omit the clause from the Bill. As the matter had been brought before the House in the able speech of the hon. Member for Huddersfield (Mr. Leatham), he might be allowed to say that he entirely concurred with him in regard to this matter. The principle was not sound as he would show when the proper time arrived. He begged to inform the Vice President of the Council that he had frequently heard the subject discussed at meetings composed largely of working men, and he had not found the uniform sympathy with compulsion which was attributed to them. On the contrary, he ventured to say there was a strong feeling prevailing throughout the country that this was in every sense of the word a species of class legislation, specially directed against the working classes. Did the right hon. Gentleman suppose that the infliction of fines with imprisonment to enforce payment would produce the result he had in view—an enthusiastic feeling in favour of the principle of compulsion? He (Mr. Lowther) believed the moment the clause was put into operation there would be an agitation of a very serious character. The people of this country would never allow the alphabet to be forced down the throats of their children with the policeman's staff. He maintained that the principle of the clause was one which the House ought not to encourage, as this was nothing more nor less than the substitution of the State for the parental authority, and thus removing from the parents the responsibility which they ought to bear. On these grounds he ventured to hope that the Committee would reject the clause when the time arrived.

Mr. PLATT said, he wished before the debate closed, to say a few words. Being a large employer of labour, he had some years ago erected a school, and having appointed a certificated master, he gave him instructions how he should proceed. Matters were so arranged that there was accommodation for about 300 children. The school was on the premises; every young person in his employment under 14 years of age, attended the school for two hours daily, and no deduction was made from their wages. On the other hand, no charge was made for school attendance; so that the permissive principle could not have been tried under more favourable circumstances. The attendance at first was good, but after some months the attendance gradually fell off, so that the master was obliged to report the circumstance. Efforts were then made to persuade the children to attend; the address which he delivered to them was successful for the time, but before many weeks were over the attendance dropped back again. The master then declared that, unless he could report the truants to the foreman over each department of the works who should have power to discharge children who did not attend school, it would be hopeless to go on. Having tried the permissive system some months ineffectually, he gave the schoolmaster the required permission, and in the first week afterwards about 50 boys under 14 years of age were discharged. The following week the parents of the boys, discovering what had occurred, asked permission for the children to return, promising that if their children were reinstated at work they would become responsible for their attendance in school; and from the moment that plan was adopted the school prospered, and there were no more reports of irregular attendance. It had been put before the House in many speeches that the working classes were in favour of compulsion; that he believed to be a great question, and he was by no means certain that, if the matter were put to them at a public meeting, working people generally would be in favour of compulsion. Parents knew very well that the labour of their children represented a certain amount weekly, and being themselves ignorant of the value of education, they preferred the money to the advancement of their children at school. Children themselves were not very anxious for education, though in time, no doubt, they might become so. In a generation or two compulsion might be no longer necessary in England, any more than in Germany and Switzerland, where, though compulsory laws existed, both parents and children were so well aware of the value of education that appeal to the laws became unnecessary. Looking, however, to the present, he feared that, unless some means were taken of enforcing the attendance of children, very many years must elapse before any great results from this Bill could be looked for. There were schools enough; the lack lay in the attendance of the children, springing, as he had already said, from the fact that the parents attached greater value to money than to education.

MR. FAWCETT said, the Vice President of the Council had declared that there was scarcely anyone in the House who would not prefer permissive compulsion to no compulsion at all. But though he (Mr. Fawcett) had been one of the first to advocate compulsory education, and nobody, he believed, felt more strongly on the subject than he did, he ventured to think that if the House would listen to him for a few minutes on Monday he would be able to show that one of the most fatal things to the cause of compulsory education would be the adoption of the proposal of permissive compulsion contained in the Government Bill. It was true that it was only an experiment; but he believed it was an experiment which would be tried under such unfair, such unreasonable, such unfortunate conditions as to form a precedent that would inevitably tell against the principle of compulsory education. It was difficult accurately to define the position of the Government. He could understand them if they said—"This year we will provide schools, and next Session we will secure the attendance of children at these schools." But what was the policy of the Government? They introduced a Bill for providing schools, and with reference to the second and infinitely greater question they had absolutely no policy. They turned round to their supporters and said—"Agitate, agitate, agitate! Fish for a policy out-of-doors, make a great clamour; we have no definite opinions and no policy, but we will wait to see what you can do by clamour and agitation." It seemed to him that it would be more appropriate for a strong Government to tell the nation what they thought was right to be done, and if they really had a feeling in favour of compulsory education they ought to have spoken out strongly, boldly, and unhesitatingly. No persons were so powerful in instructing the country as the Government themselves; and if, after stating their own opinions, they discovered that they were unable to convince the nation of their truth and justice, they might then very fairly come to the House and say—"We have done all we could in favour of the principle of compulsory education, and we are now obliged to relinquish it." How were individual Members to bring round the feeling of the country to compulsory education if the Government shrank from the attempt? The right hon. Gentleman (Mr. W. E. Forster) admitted that at great public meetings even now the intelligent working classes, the *élite* of the population, could be gathered, and that they declared unanimously and enthusiastically in favour of compulsory education. But he said, "There is a stratum below them, and we want to know their opinions." Did the right hon. Gentleman suppose that it was possible to ascertain the feelings of the class of persons forming the substratum of society, who would not attend meetings, who could not read newspapers, and who spent their lives in dissipation? Did he suppose that in one year or in 20 years a feeling among them in favour of compulsory education could be created? Agitation would be renewed again this autumn, but what could it prove more than they already knew? They could again fill the Free Trade Hall in Manchester, and St. James's Hall in London, with the *élite* of the working classes; but what would be the use of this as long as they were unable to bring the right hon. Gentleman the opinions of those who lived in dens and alleys? The debate had proceeded upon the assumption that those who advocated compulsory education were introducing a novel principle. The arguments against compulsory education had been stated with great force and ability by the noble Lord opposite (Lord Robert Montagu); but, if he carried out those opinions consistently, he would be obliged to use the influence which he possessed with his party to induce them to repeal the very best Acts they had ever passed. For what were the Factory Acts but compulsory education? He was not old enough to remember the debates upon these Acts, but he had read them again and again, and the speech of the hon. Member for Huddersfield (Mr. Leatham) that evening reminded him very much of the speeches then made by the Manchester school of politicians. But, eloquent as his speech was, he must have known he was not expressing the opinions of those whom compulsory education would most affect, because, much as the Manchester school of politicians had done for the working classes, those classes had never forgotten and could never forgive the opposition of the Manchester school to the Factory Acts. The advocates of direct compulsion were constantly charged with a desire to diminish the earnings of the working man, but this charge seemed to him to be based on a most extraordinary fallacy. Just let them consider the exact position of the question. More than 20 years ago Parliament passed the Factory Acts, which, if anything at all, were compulsory educational Acts, because they laid down the principle that in certain branches of industry no child should be employed unless he attended school so many hours a week. Since 1848 the same principle had been applied with almost the unanimous approval of the country to every important branch of industry except agriculture, to which, however, the Government had promised to apply it next year. When that was done the Legislature would have recognized universally the principle that no child should be continued at work unless he attended school so many hours a week. He should like to ask the Vice President of the Council, whether the Factory Acts would have been worth the paper on which they were printed if they had been permissive measures, and if the local authorities had been allowed discretion in enforcing them. The Government said to the working men who sent their children to work—"We will not permit your children to work unless you send them to school," and the best class of working men, who were most in favour of the Factory Acts, said—"It is just the obligation of educating our children whom we send to work should be imposed on us; but it is not just that the same obligation should not be imposed on those who send their children neither to school nor to work." He believed those working men would not submit much longer to such exceptional and one-sided treatment. This Bill would put the country to an enormous expense, both by local and Imperial taxation. He did not object to that, but thought the country would object to building a large number of schools and to setting in motion a vast amount of complicated machinery if it were not certain that much good would be thereby effected. The Duke of Newcastle's Commission showed that there was 50 per cent more school accommodation than was used. Therefore, what was required was not school accommodation, but the power of securing the attendance of the children. He himself was acquainted with an admirable school; where the accommodation exceeded by 30 per cent the number of the children who attended it. Now, when the Inspector went down he could discover no fault with the school; but he would find that it was only about half sufficient for the number of children of school age in the parish. Yet, when this Bill was brought into operation a local rate would be levied and money drawn from the Imperial Exchequer to build a new school, although, as the master of the present school remarked—"There is no more chance of permissive compulsion being carried out in this parish than there is of my flying to the moon." When the subject came to be discussed, he felt certain he should be able to prove that permissive compulsion, like every other attempt at permissive legislation, would prove a melancholy and disastrous failure. As regarded the speech of the Member for South Northumberland (Mr. Liddell), he would remark that his hon. Friend came from a county which almost deserved to be described as an educational Paradise. It was rare in the rural districts of Northumberland for children to be sent to work till they were 14 years of age; and, indeed, the farmers could not get them even if they desired to do so. He could easily understand, therefore, why his hon. Friend thought that in each succeeding year compulsion would be less and less needed. Now, if he could discover any general facts to justify such a conclusion, so great was his dislike of Government interference that rather than introduce it he would be content to wait three, five, or even ten years. Unfortunately, however, the facts did not warrant such a supposition, for it could be proved from official documents that the evil was not curing itself, and that while districts continued to be better supplied with schools, and while school machinery and management were improving, the demand for juvenile labour increased, and the state of education retrograded. He felt certain that the mere multiplication of schools would not correct the evil. What they required, and what sooner or later they must have, was the power to compel the attendance of children at school. It had been argued that the Government had no right to interfere between parents and children, but that theory was once and for ever destroyed by the passing of the Factory Acts, and those who prompted it ought, to endeavour to be consistent, to endeavour at once to repeal the compulsory educational clauses in those Acts. His own opinion was that while the State ought to interfere as little as possible with grown-up people, it was the natural protector of helpless and dependent children. The hon. Member for Huddersfield said that there was so great an enthusiasm for education in many parts of Germany that if to-morrow the law enforcing compulsory attendance was repealed, that attendance would not be in the slightest degree diminished. Now, no better argument could be advanced in favour of a compulsory system, for it would be unnecessary always to fetter the country with Government interference if they came to dislike ignorance after having experienced the advantages which education was calculated to confer.

SIR RAINALD KNIGHTLEY said, he could not approve the course which was proposed by the Government. He was altogether opposed to a system of compulsory education. It was in his opinion most unjust and tyrannical to prevent a poor man in the receipt of only 10*s.* or 15*s.* a week from supplementing that small sum by means of the earnings of his children. As it was forcibly put by poor people themselves —"Who, if all the children were sent to school, was to sit at home to help the mother to mind the baby?" In the views which he entertained on the subject he was borne out by the authority of the late Prince Consort, who in 1857, speaking of the position of the working man, said that his children constituted part of his productive power, and that the daughters especially were of great use to the mother in nursing the younger children. And how, he would ask, was a compulsory system to be enforced? It was all very well to say that a poor man who did not send his children to school should be fined, but he would probably have no money to pay the fine. How under these circumstances would the moral condition of the country be elevated by sending the father to gaol to associate with convicts and the mother to the workhouse. The hon. Member for Brighton (Mr. Fawcett) had referred to the case of Germany, stating that there the compulsory system had been found to work very satisfactorily. The Rev. James Fraser, however, was of opinion that a person before arriving at that conclusion ought to read very carefully the Reports of Mr. Pattison and Mr. Matthew Arnold, who were both great authorities on the subject, and the former of whom stated that in many parts of Germany the attendance at school was compulsory only in name, while in the New England States compulsion was notoriously a failure. He was as anxious as anyone could be to see the people educated and to have schools provided for the children, but to compel them to attend would be to take a course which, he believed, would excite a strong feeling of hostility throughout the country. It would give rise to the impression that there was one law for the rich and another for the poor, and would lead to an inquisitorial inspection of the poor man's family, which would be extremely distasteful.

MR. GATHORNE HARDY said, he had listened with very great interest to the debate which had taken place upon this important subject. What he could not help noticing, however, was the fact that the speech of the right hon. Gentleman the Vice President of the Council had not received sufficient attention. That speech, if it proved anything at all, proved this—that the part of the Bill which they were then discussing was altogether premature. The right hon. Gentleman told them that he was not prepared at present to carry out his own principles with respect to compulsion, because he was not sufficiently acquainted with the different parts of the country and the different circumstances which it would be necessary to provide for. The right hon. Gentleman had also spoken of the question of indirect compulsion in a manner which led him (Mr. Gathorne Hardy) to suppose that it was going to be considered by the Secretary of State for the Home Department, and was to be made an educational process. The hon. Member for Brighton (Mr. Fawcett), who, in the course of his speech, attempted to frighten them with the prospect of an agitation in the autumn, spoke of the right hon. Gentleman the

Vice President of the Council as if he had no ardour in the cause of education; but in his (Mr. Gathorne Hardy's) opinion that right hon. Gentleman had displayed his ardour sufficiently and to the satisfaction of both sides of the House not only by the way in which he had conducted that Bill, but also by his previous identification with the interests of education. The remarks of the hon. Member for Brighton upon this point were most uncalled for. There was no doubt that the system of education under the Factory Acts was one of indirect compulsion. But what was that system of compulsion? Was it a system of education? No; it was not. It was merely a system of sending children to school, with no inspection, and with no guarantee for efficiency. If anybody would look back upon the history of that process he would find that the Legislature had stopped short at the point of rendering schools efficient, and requiring that children should be properly educated. He had not looked very closely into the recent Reports on the subject; but he remembered that it was clearly proved in many cases that worn-out factory men were made to take charge of children, who had, it was true, books set before them, but who received no education in the proper sense of the term where the system he was adverting to was carried out. The hon. Baronet the Member for Manchester (Sir Thomas Bazley) had, however, spoken of a school with which he was connected as a specimen of indirect compulsion. But in that case it was to be borne in mind that he not only provided the school, but provided an efficient school. The hon. Baronet had therefore shown that if the indirect mode of compulsion were adopted, they might secure for the children a good education, while interference with the parent or sending him to prison with all its consequences, together with the other evils connected with a system of direct compulsion might be avoided. It was true that if direct compulsion, as advocated by the hon. Member for Brighton, were adopted, the children might be forced on in the matter of what was usually called education at a greater rate than would otherwise be the case; but there were other things which constituted education. In his opinion it was not more important that lads of 10 years of age in the agricultural districts should learn reading, writing, and arithmetic, than that they should become familiar with the habits of different animals on a farm, with the management of a team, and other things connected with their future occupation in life. They owed that knowledge to their families. He should prefer to a system of fines and imprisonment one in which not the fears but the interests of parents would be appealed to, by their being told that unless their children were educated they would not obtain work. If the principle of reward and not of punishment were adopted, parents would be brought to understand the value of education in a way in which they would not understand it by being proceeded against before a magistrate and placed on the footing of criminals. He fully and frankly admitted that it was a crime and cruelty on the part of the State to leave children to grow up in the condition described by the hon. Member for Sheffield (Mr. Mundella). In his opinion it was not only the right but the duty of the State to step in and say to the parents that those children ought to be educated, and that it would not allow them to grow up and encumber the streets as vagrants or perhaps something worse. That was the principle upon which they had acted in regard to industrial schools, which, as far as they went, were intended to meet these very cases. But he would like to put it to the hon. Member for Sheffield to say what he would gain by telling the parents that if they did not send their children to school they must go to prison. He believed that many parents would sooner go to prison than take any trouble in the matter. Admitting, therefore, the right of the State to the extent he had described, the matter then became with him a simple question of policy as to the best mode of proceeding. He himself, for the reasons he had adduced, was an advocate for trying the indirect mode of compulsion—which the section of the Bill under discussion precluded from being tried—as a first experiment. What did the Vice President of the Council say in regard to that matter? Why, he declared that until he got Returns from the various districts he would not be in a position to deal fully with this question, adding that possibly he would not be able to do so till the year after next. But what was he going to do meanwhile? He was going to give school Boards the power of compulsion, a power which the right hon. Gentleman admitted could not properly be brought into operation for one or two years. For how were these school Boards to be brought into existence? They were to be called into existence upon a Report made as to the deficiency in the quantity or the quality of the education in a district, and this result would be attained in about two years. When the deficiency in quality and quantity was supplied, the question arose whether the State had a right to compel children to go to these schools. It would not be right to force them to attend schools which were inefficient, as had been done under the Factory Acts, in consequence of the schools provided not being looked after; and even when the schools were complete, the parents had, at least, some right to select the school in which their children should be taught. That being so, were they not proceeding somewhat prematurely? Was their experience of permissive legislation so favourable that they thought it due to the credit of the House to delegate their functions to others upon a point so important, and to call upon school Boards to enact something which they were not prepared to enact themselves—not to pass by-laws to carry out in detail that which the Legislature had indicated, but to perform the work of legislation itself? Was that a power to place in the hands of school Boards? What would happen? If it were true that the great mass of intelligent working men, who would have votes, were in favour of compulsion, then, where they were in the majority, school Boards would be elected to put in force the compulsory powers of the Bill; but, on the other hand, in places where compulsion was most needed, and where there was less enlightenment among the working classes, the school Boards would be elected upon a solemn pledge not to exercise their compulsory powers. He held that it was not becoming the dignity of the Legislature to delegate its authority upon a question of such importance. If the Committee meant to have direct compulsion, let them enact it; or if they intended to have indirect compulsion, let them enact that clearly, and call upon the local authorities to carry their legislation into effect. His belief was that when the right hon. Gentleman had improved his system of indirect compulsion, and put it upon an intelligible basis, all the old deficiencies would be supplied. Supposing, however, that that system failed after trial, then the Government would have good grounds for asking the House to provide compulsion more direct. He felt very strongly in favour of the one system, principally because of the effect which it would have upon the families whose children would be educated in these schools. According to the Revised Code children were entitled to earn a Parliamentary Grant who had attended school 200 times altogether in the year, mornings and afternoons included. He was speaking of districts to which the Factory Acts did not apply. Such an arrangement left to children in the agricultural districts a selection of periods of the year, giving them plenty of time for that special kind of light labour to which they were adapted. Thus they could get a certain amount of education at school, and have a large portion of the year for another process of education—on which he laid as great a stress—not only the physical development and improvement which they gained by out-door labour, but the moral benefit which they derived from helping their families with their earnings. He did not believe that there was any greater moral training for a child than that which accrued from his taking home his half-crown or three shillings a week, knowing that he was thereby adding to the comforts of home. The practice tended to unite a family together in bonds that never were broken; and of all the beautiful things which were to be seen in the habits and conditions of the poor, perhaps the most beautiful was the care and love they had for each other, which was greatly fostered by this plan of allowing the early earnings of the child to contribute to the comfort and happiness of his family. He hoped he had not occupied the Committee too long upon this subject; but he must earnestly press upon them not to delegate their functions on this point to the school Boards, nor, in short, at present to legislate on the subject. He felt the force of the observations made by the hon. Member for Sheffield, and admitted that when the country was compelled to erect schools and find quantity as well as quality of education, they had a right, in some shape or other, to tell parents that their children must be educated;

but they were not entitled to do so at present. The proposal of the Government was an imperfect one, and it had been condemned in one of its fundamental principles by the hon. Member for Sheffield, who pointed out that the boundaries of boroughs by no means included all the inhabitants—he meant the people who worked there. Many hon. Members knew that as rates rose in boroughs emigration from them increased, in consequence of the great desire of people to get outside the boundaries and thus escape the high taxation. A similar plan could be followed in this case, and persons who worked in the borough would obtain exemption from the conditions imposed by the Bill. Considering that the right hon. Gentleman expected to obtain those Returns, and complete in two years those arrangements which would enable the Government to bring forward their final Resolutions, and that even by next year the indirect system might be made perfect, he implored hon. Members not to commit themselves to this imperfect scheme, when by waiting they might obtain one which would meet the wants and wishes of the country, and which, while providing the masses with the means of education, would also provide the means of directly or indirectly bringing the children to be educated.

Question put, "That the word 'shall' stand part of the said proposed Amendment."

The Committee *divided:*—Ayes 92; Noes 259: Majority 167.

On Question, "That the word 'may' be inserted,"

Mr. W. E. FORSTER said, he thought it would be more to the convenience of the House that the word "may" should be inserted, in order that the proposed Amendment "the Education Department may require" should come before the House; which Amendment, he need hardly say, after the explanation he had given, he should oppose.

Amendment *agreed to.*

Amendment to insert the words "the Education Department may require," *negatived.*

Mr. MUNDELLA said, he should have been well content with the discussion which had arisen if it had raised a distinct issue; but many hon. Members voted against direct compulsion with the intention of supporting the Amendment of the hon. Member for South Durham (Mr. Pease). He felt that he should be remiss in his duty to the country if he did not afford the Committee an opportunity of voting on the express question of direct compulsion. He wished to remove an impression that the police or the magistrates were the agents of direct compulsion where it was carried out. This was a mistake; the school Board was the agent. It was not until a man had been twice warned that he could be fined; and it was usually found that the moral and social pressure of the preliminary proceedings was sufficient without imposing a penalty. He proposed, in page 24, line 19, to leave out the word "may," in order to insert the word "shall."

Amendment proposed, in same page and line, to leave out the word "may," in order to insert the word "shall."—(*Mr. Mundella.*)

Question put, "That the word 'may' stand part of the Clause."

The Committee *divided:*—Ayes 230; Noes 92: Majority 138.

Mr. FAWCETT moved that the Chairman report Progress.

Mr. GLADSTONE said, he would suggest that, considering the time which had been spent upon the Bill, the extreme desire of the House to get through it, and the advanced period of the Session, the House should on Monday continue to sit in Committee on the Bill without paying any accurate regard to the precise time of night to which the sitting might extend.

And it being now Ten Minutes to Seven of the clock,

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## METROPOLIS—THAMES EMBANKMENT.

### MOTION FOR AN ADDRESS.

Mr. W. H. SMITH said, he rose to move—

"That an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis."

The Thames Embankment was the result rather of a long series of negotiations, and of Royal Commissions which preceded the Act of 1862, than of the operations of any distinct body of men. In 1860, a Committee of that House sat on the question of an Embankment on the north shore of the Thames, in connection with an improved system of sewerage for the metropolis, and that Committee recommended that the river should be embanked, and the works, now on the point of completion, commenced. In 1861, a Royal Commission was empowered to take evidence and consider plans which were laid before it for the purchase of such Embankment. In 1862, a Select Committee of the House of Commons sat on a Bill promoted by the Government of the day, and brought in by the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), who then occupied the post of First Commissioner of Works. Before that Committee the various interests affected by the measure for the Embankment, and more especially the Office of Woods and Forests, were represented. He had amused himself that afternoon with reading the correspondence that had passed between the Office of Works, the Office of Woods and Forests, and the Lords of the Treasury upon the question, and he had found it to be most instructive. From that correspondence, it was clearly apparent that the measure was promoted by the Government of the day; and that the duties of maintaining the reclaimed ground for the purposes of public enjoyment and recreation were cast upon the Metropolitan Board of Works, at the instigation of the Government and in opposition to the wishes of the Metropolitan Board, who, on that occasion, were represented by counsel. The several interests that were concerned in, and affected by, the proposed Embankment were represented before that Committee; but there was one interest that was entirely unrepresented, and that was the interest of the rate and taxpayers of the metropolis, who were utterly helpless in the matter. By this Bill, after payment had been made to the Crown for the foreshore, and to the Conservators of the Thames, who had entered into arrangements with the Crown, all land reclaimed, which lay between the property of ordinary owners and the foreshores of the river—as that in front of the property of the Marquess of Salisbury, was vested in the Metropolitan Board of Works, who were charged with the duty of maintaining it for ever, as land for the purpose of public recreation and amusement. But when the land between Crown property and low-water mark came to be dealt with, the Committee came in contact with claims which he believed all Committees of that House were absolutely powerless to deal with; and, as a matter of course, that land remained under the authority of the Office of Woods and Forests, the land being vested in the Crown. The Government of the day, as representing the Crown, imposed on the Board of Works, as representing the taxpayers of the metropolis, the duty of maintaining all other land that might be reclaimed, for the purpose of recreation and amusement. There was, therefore, no doubt that the intention of the Government at that time was that the land so reclaimed should be held for that purpose. The particular piece of land to which he referred was shown in a Return which had been recently laid before the House. It consisted of some two and one-third acres, between Whitehall Place and Middle Scotland Yard and the Embankment. A portion of this was formerly used for the purpose of wharves, and lay exposed to the tide during a great portion of the day in a condition which was not conducive to the health of the inhabitants of the metropolis. But it was never intended, at any time, while the scheme for the Embankment was in progress, that this land should be covered with buildings. Up to the present time it had formed one of the breathing places which he believed were necessary to the health and the enjoyment of the metropolis. The ratepayers of the metropolis had paid, and would continue during a considerable period to pay, for the cost of reclaiming this land. All rights on the part of the lessees and others holding under the Crown had been fully compensated for by the Board of Works. In some cases, they had been, he might say, almost exorbitantly paid for by that Board with the money of the ratepayers.

The Crown was, in no respect, damaged by the improvements which had been effected by the metropolis. On the contrary, the Crown property had been enormously improved and advantaged by the Embankment. But the whole cost had fallen on the ratepayers. And what they contended for was, that what they had paid for should not be taken away from them; that the area which they had enjoyed, and which contributed to the health of this great metropolis, should not be abridged, but should be left to the public as a means of affording them the enjoyment of pure air. This land would be practically taken from the public, if the Government erected buildings on it. If the Government took that land to build upon it, he apprehended that there was nothing to prevent them from taking the land between Palace Yard and Victoria Street, or Trafalgar Square, and building upon it; nothing to prevent them from taking any portions of the parks which they might choose to select and building upon them. Indeed, his case was much stronger than the case of those who objected to this application of the public parks; for the public had created the land in question, and given a value to that which the Government now sought to take away from them. Before the public money was laid out on it it was absolutely valueless. It was mere mud and slush. At an enormous cost, which still weighed heavily on the means of living of the poor inhabitants, this great public improvement had been carried out, and it was now proposed or suggested that public offices should be erected on that which the inhabitants had so obtained and created. He held the Crown to be in the position of a trustee for the public good. He held that the ancient land which belonged to the Crown under the circumstances was held only for the public pleasure and the public advantage. It would be a great abuse of those rights if they were so exercised as to deprive the people who created the ground of the advantage of it. Not very long ago the public had expressed their opinion in an unmistakable manner in regard to open spaces near the metropolis, and he (Mr. W. H. Smith) heard with great delight the opinion expressed by the First Minister of the Crown when an Address was moved to Her Majesty. The right hon. Gentleman stated that it was the duty of the Government and of Parliament to endeavour to preserve for the people of the metropolis all the open spaces possible, and in particular the open spaces to which reference was then specially made. Her Gracious Majesty, in replying to the Address, said—

> "Concurring with you in the desire that open spaces in the neighbourhood of the Metropolis may, as far as possible be preserved for the enjoyment of My people, I will carefully consider how effect may be given to the prayer of this Address."

If it was necessary to preserve the open spaces in the neighbourhood of the metropolis much more was it necessary that there should be open spaces within the metropolis. The ratepayers did not come to Parliament to make any appeal for a grant. They only asked Parliament and the Chancellor of the Exchequer to leave them what they had, and which was entirely their own. The entire country would readily admit that the River Thames belonged to London, and that whatever was reclaimed from it should be devoted to the enjoyment of the people of London. He regretted that advantage had not been taken of the Act of 1862 to give a frontage or fringe to the Embankment. It might not be too late yet to give it a fringe; but the buildings contemplated on this site would stand out of the line of the other buildings on the Embankment, and coming into the bend of the river would obstruct the view and stop the current of air. This was not a political question. He could assure the House that he did not make his Motion for any political considerations. The question was one upon which the inhabitants of the metropolis felt strongly. He was always ready to support measures of sound economy; but he hoped no desire to effect a small pecuniary saving would influence the Chancellor of the Exchequer in a case in which justice spoke so clearly. The hon. Member concluded by moving the Motion which stood in his name.

VISCOUNT ENFIELD, in seconding the Motion, said, he did so for five reasons. The first was the very deep interest felt by the inhabitants of the City of Westminster, and, he might say, the county of Middlesex, in the preservation of this open space. He regretted that several important bodies, including the Dean and Chapter of Westminster and several vestries, including those of St. George's Hanover Square, St. James's, and St. Martin's-in-the-Fields, had not been able to obtain the interviews they had wished to have with the Chancellor of the Exchequer and the Prime Minister, because if they had succeeded in seeing either of these right hon. Gentlemen perhaps there would have been no occasion for the Motion just made by his hon. Friend (Mr. W. H. Smith). The second reason was the compromise come to in 1856 between the Office of Woods and Forests and the Corporation of London, by which it was agreed that in consideration of the sum of £5,000 to be paid in satisfaction of all past claims, and of one-third part of all future rents and profits, the Crown should grant to the Corporation as Conservators of the Thames, all the rights of the Crown to the bed and shores of the river, with the exception of those parts fronting Crown property. The third reason was the Parliamentary sanction which he believed to have been given to the proposition that the ground reclaimed by the Embankment should remain unoccupied for the purposes of public recreation. The Act of Parliament provided that out of the moneys contributed by the ratepayers the owners of all land, except Crown land, should be compensated if they were interfered with by the Embankment. The fourth reason was, that at the present time it was desirable to preserve in the metropolis as many open spaces as possible, and the Members of the House and the public out-of-doors were doing all they could to preserve them. The fifth reason was that afforded by the Report of the Committee of 1856, of which the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) and the present Secretary of State for War were distinguished members, and which recommended that for the sake of economy and efficiency there should be a concentration of the public offices in the neighbourhood of Whitehall and the Houses of Parliament. If a building for the War Office or the Admiralty were built on this piece of ground on the Thames, that recommendation could not be carried out. On all those grounds he most heartily seconded the Motion made by the hon. Member for Westminster.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis,"—(*Mr. William Henry Smith,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BAILLIE COCHRANE could not say that, on his return to Parliament, he found the public improvement of the metropolis much better carried on than when he last had the honour of a seat in that House. On the contrary, he thought the metropolis in that matter was now in some respects in a more unfortunate position. When he left Parliament there was every hope that the new Law Courts might be placed on the Embankment, so as to become a great ornament to that capital; but he found last year that question had been settled the other way, and that a great opportunity of improving and beautifying the metropolis was about to be lost. Again, the project now on foot with regard to the Serpentine was not likely to mend matters in that quarter. Whereas the money might have been thrown into the water before, now it was thrown into the mud. Now, the land reclaimed from the River Thames would provide a series of open spaces for the adornment of that district. The first of those open spaces would be situated near Scotland Yard, and then there would come the large space between Somerset House and Charing Cross Bridge. He found, from the Report, that it was intended to give up that ground to be reclaimed from the river to public gardens for the benefit of the people, and the intention had been the same with respect to the ground referred to by the hon. Gentleman below him (Mr. W. H. Smith). He did not know how far the Government were committed to placing the War Office or any other public building on that land; but, if they had pledged themselves to that, he said it was against every principle that had been laid down by every Committee which had sat on the public offices. The First Lord of the Treasury would bear him out when he said that it had long been a great object to have the public offices concentrated near the Houses of Parliament. He (Mr. Baillie Cochrane) had himself once proposed a comprehensive scheme for the improvement of the metropolis; but the House did not appear to care for comprehensive schemes. His proposal involved the buying up the whole of the houses and the ground in Parliament Street, Great George Street, and even by the river side, and the placing of the public offices there; and the expenditure for that purpose would not have been more than £3,500,000. [*A laugh.*] His right hon. Friend (Mr. Gladstone) seemed to think that was an enormous outlay for such an object; but it should be remembered that they were now paying nearly £150,000 a year for the hire of buildings inconveniently scattered all over London for the public offices, and that sum would pay the interest on the capital if expended as he had proposed. Earl Russell had declared that they never would carry out any real improvement for the metropolis until they went upon a comprehensive plan and had the ground cleared. But when they bought a certain number of houses one year, and a number more of the adjacent houses another year, the effect of their first purchases was only to increase the price they had to give for their second and subsequent purchases; and, in the long run, they actually had to pay double what they might have got the property for if they had laid down a comprehensive plan in the first instance, and then proceeded to carry it out by annual Votes. What he understood was now proposed was that, having got an open space which would really add to the comfort and even the refinement of that city, they should put one of their public buildings there, and one, too, which would not be in the regular line of public buildings, thus blocking up that open space. The Report of the Commission of 1866 said that there was no satisfactory approach to St. James's Park from Westminster and the City side, and that a fine effect was thus in a great measure lost. That desideratum might be supplied by opening a direct communication between the Park and the Thames Embankment. He knew what the feeling of the Chancellor of the Exchequer was in respect to the new Law Courts; and he appealed to the right hon. Gentleman to sympathize with those who wished to preserve a magnificent site for the comfort and advantage of the public. It was very hard that those who paid the rates and the expense of reclaiming that land were to be compelled to keep part of it as an ornamental ground for the benefit of the public, while, on the other hand, the Government, who had done nothing for the work, but had thrown impediments in the way, were to take possession of that ground and place a public building on it in the most inconvenient situation, in opposition to the Reports of all the various Committees who had recommended that the War Office and the other public offices should be concentrated as near as possible to the Houses of Parliament. There was an admirable plan drawn up by Colonel Clarke, of the Admiralty, for the concentration of the public offices—an object in which all parties agreed as to the desirability of effecting. That was a very important matter, and he earnestly appealed to the Government to pause before they committed a great blunder, and threw away one of the finest opportunities they were ever likely to have of beautifying and improving the metropolis.

THE CHANCELLOR OF THE EXCHEQUER said, he was very glad to see the hon. Member for the Isle of Wight (Mr. Baillie Cochrane) back in that House; and in his humble judgment that hon. Gentleman had borne away the palm from the two hon. Members who had preceded him, because while they had both been injudicious enough partially to approach the merits of that subject, the hon. Gentleman who spoke last was wise enough to keep quite clear of them. That question only needed to be considered in order to be rightly decided by those who came prepared to listen to reason. The House was aware that reference being had to the arrangements made at the beginning of every reign, by which the property of the Crown was handed over to the Woods and Forests for the benefit of the public, till the next demise of the Crown, the Crown—that was to say, the nation, so far as all practical considerations were concerned—was the proprietor between Charing Cross and Westminster Bridge of 700 yards of frontage to the River Thames and its foreshore, including valuable wharfage. It was decided for the purposes of metropolitan improvement, and not in the least degree for the benefit of the Government and the Crown, that the River Thames should be embanked. That decision being come to, not for the benefit of the Government, but for the benefit and use of the ratepayers of the metropolis, the Government, in 1862, undertook to carry through this House a Bill for the purpose, and that Bill embodied agreements between the Metropolitan Board of Works and the riparian proprietors. The different proprietors made different terms for themselves, but the Crown had this peculiarity, that it was the only proprietor of the foreshore of the River Thames. Well, the Crown having this property, some 700 yards of frontage to the river, all the Embankment made upon the foreshores, and all the land reclaimed at the expense of the ratepayers of the metropolis, amounting to seven or eight acres, would by law have belonged to the Crown. Of course, that would not have been a just and fair arrangement. That being so, the arrangement that was come to was this—that the Crown should give up its right to the foreshore, not altogether, but to between five and six acres within the Embankment, which but for the Act of Parliament would have been its property, and that it should receive by way of compensation for this surrender two and a half acres of land, not to be held in trust for anyone, or having the least reference to metropolitan improvements, or to the ratepayers, but as a consideration for what it had given up. That arrangement had been embodied in the Act of Parliament, it was now the law of the land; under that title the nation, in the name of the Crown, held that land absolutely and without any obligation as to metropolitan improvements. The Crown or the nation held that land as absolutely its own property as any Gentleman in that House held his estate. The land that was given up to the Metropolitan Board, as trustee for the benefit of the ratepayers of the metropolis, was not to be built upon, but was to be used for the amusement and recreation of the people. Under the Act the metropolitan ratepayers took many benefits, and now by their representative they came forward to-night and proposed to retain all the benefits that they had got under the contract embodied in the Act, and to repudiate the considerations which had been given in return. It was, in fact, a mere question of the invasion of property. The hon. Member for Westminster (Mr. W. H. Smith)—a great ornament of the Conservative party—rose in his place, and, amid the cheers of his Friends, asked the House to take from the public a property estimated at £5,000 a year, the value of which might be taken to be £150,000. The hon. Member asked the House to confiscate this property, for which value had been given to the metropolitan ratepayers, and he proposed this in the name of the public. That was a simple statement of the facts. The hon. Member did not in words say that he insisted upon taking away this property, but he might just as well take the land at once, as take away all possibility of making any use of it. He hoped it was not come to this in the House of Commons, that it was necessary to enter into any elaborate argument to show that the House should not take any step whatever to deprive either the public or any individual citizens of any portion of its property without giving any compensation whatever. It was not necessary to delay the House by any further argument. The case was as clear as anything could be. Here was a claim set up on sentimental or æsthetical grounds, on every ground, in fact, except the ground of right. If the metropolitan ratepayers desired the property of the Crown for any purposes of their own, it was quite open to them to enter into negotiations with the Board of Works for obtaining it; not to make sentimental appeals, but to pay down the value. He trusted the House would not lend its name to the proposal. It was quite clear if it did they could not stop there. This, though it might appear a comparatively small matter, might have a much wider effect than they supposed. If they were to deprive the Crown of £150,000 for the benefit of the ratepayers of the metropolis, with what face could they resist the claim to purchase places of recreation for the benefit of different populous towns throughout the kingdom? If they once set up claims on the ground of the great interest people felt in the matter, where were they to stop and what was to become, he would not say of the Chancellor of the Exchequer, but of the Revenue of the country? He hoped he had said enough. He trusted that any Gentleman who should follow, if he had been so unfortunate as not to have convinced him, would address himself to the point of showing that this proposal would not deprive the public of a large portion of their property without giving them any consideration whatever.

MR. BERESFORD HOPE said, the right hon. Gentleman hoped he had convinced the House, but he had only convinced them of one thing, that, *per fas aut nefas*, the public would be kept out of the land by plausible appeals to the rights of the Crown. [The CHANCELLOR of the EXCHEQUER: The Crown is the trustee for the nation during the life of the Sovereign.] Very well; the Crown, as trustee for the nation, had obtained this land. The Crown might be the trustee for the nation, but the House of Commons was the adviser of the nation, and they were there as the adviser of the nation to recommend the Advisers of the Crown to make a proper use of this land. Assuredly the Crown, as trustee for the nation, held a good deal of land which it could not build over. There was Hyde Park, for instance, and Kensington Gardens, and many other places; and if it pleased the Chancellor of the Exchequer to put himself in communication with any large firm here or in America to cover those places over with model lodging-houses or shops, or to cut down the trees, he would soon find whether the arguments he had used to-night were sound or unsound. The Chancellor of the Exchequer had complimented his hon. Friend the Member for the Isle of Wight upon shirking the whole question, but it was the right hon. Gentleman himself that had really shirked it. From first to last his speech was only an exposition—accurate, no doubt, and logical —of that legal condition of matters on which the hon. Member for Westminster had based his Petition. The proposal of the hon. Member for Westminster came really to this simple issue—he asked the Advisers of the Crown not to put one particular class of house on the land; but the Chancellor of the Exchequer from first to last had avoided saying one single word as to the desirability or non-desirability of putting that class of buildings upon it; all that the right hon. Gentleman had done was to argue the foregone conclusion upon which the Motion was based, and which nobody denied—that the Crown was the proprietor of the land. The right hon. Gentleman had, from first to last, avoided giving any reasons for putting public offices on that ground. The reason against doing so was not merely an æsthetical one, it was the necessity for the concentration of the public offices which had been recommended by the Committee of 1856—a Committee of singular weight and authority, presided over by the late Lord Llanover, and of which the noble Lord the Member for Leicestershire, the Secretary for War, the right hon. Member for Buckinghamshire, the noble Lord the Member for Haddingtonshire, the late Mr. Ellice, and the present Marquess of Westminster were members. The Committee recommended that the public offices should be concentrated in the block lying between St. James's Park to the west, Parliament Street to the east, and Great George Street to the south—a block close to that House, and where the Minister would be almost as available as in the room behind the Chair. The Foreign and the India Offices were instalments of this project, but the remainder of the site was now covered over with wretched slums and streets reeking with the fumes of low public-houses—a disgrace to the nation. The concentration of offices was no scheme of the Conservative party; it was the offspring of the Liberal party in those days when there was an enlightened Commissioner of Public Works—Sir Benjamin Hall; and now, when the Liberal party was ashamed of its own child—one of the best children it ever put out to nurse —the Conservative party were willing to take the bantling before it absolutely expired of such shameless baby-farming, and try to set it on its legs again. But his right hon. Friend the Chancellor of the Exchequer became positively pathetic in his regard for the national purse, and his unwillingness to devote the land to any object so sentimental as the promotion of the health and the recreation of the teeming inhabitants of the metropolis. Last year, however, the Committee, presided over by his noble Friend the Member for Haddingtonshire, to which the then First Commissioner, Mr. Layard, and his two immediate predecessors also belonged, recommended that a certain museum should be erected upon the Embankment, [and on Tuesday last he had himself asked the right hon. Gentleman a question on the subject, and the right hon. Gentleman replied that the Report of the Select Committee was entitled to every respect so far as it related to the merits of the question, while he termed the scheme itself "excellent," but said that the plan which they recommended could not be carried into effect without taking away a considerable quantity of land which had already been dedicated by Act of Parliament for the purposes of gardens and ornamental grounds, and paying an enormous price for it. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] At the same time, while commending what he called the excellence of the plan suggested, he was not prepared to ask for powers to carry out what would only entail a large expense. Now, the plot of ground they were talking about that evening was close to, and as nearly as possible equivalent to that ground, and was equally well suited for the purpose of the Natural History Collection of the British Museum. And yet in spite of the latter admission, made only the other day, the right hon. Gentleman now proposed not to leave the ground open for gardens, but to plant a public office upon it. He begged to assure the Chancellor of the Exchequer that if he were bent upon such a procedure the best course to take would be to erect the Natural History Museum upon the site, because such a building would not deprive the people of their recreation. A public office could not be said to afford any recreation to the taxpayer. It was a building which no one visited for his own amusement; but a museum full of beautiful works of art and interesting natural objects would afford pleasure and instruction to the thousands who would throng it for their holiday. When the question of erecting the Exhibition in Hyde Park was under discussion 20 years ago the present Prime Minister, in answer to the objections which were made to the selection of such a site, said that the erection of such a building on such a spot was the substitution of a higher kind of recreation for a lower one, and he might now say the same thing with equal force in favour of the erection of a Museum of Natural History on this ground, and in advocating this project he was in effect developing the views of the hon. Member for Westminster, and of those whose mouthpiece he was. The only alternative scheme was the erection of such a museum at South Kensington; but Professor Owen, Sir Roderick Murchison, Professor Huxley, and Mr. Cole were all of opinion that the Embankment was a site much superior to Kensington for the Natural History Museum, alike for museum purposes and popular gratification, and they gave that evidence explicitly and in reply to categorical questions before the Committee of last year. If the Chancellor of the Exchequer was so very chary, so very stingy, and so very scrupulous about this land, and if he desired that a public building might be placed there, the museum would afford him an excellent opportunity of using the ground with advantage, and yet of meeting the Petition that it should be devoted to popular recreation. Anyhow, the erection of the War Office there was about the last purpose for which it should be employed. He could assure the right hon. Gentleman that if in this spirit of mad and reckless economy he endeavoured to smash the proposed concentration of public offices his name would go down to posterity as the marrer of a great scheme for the improvement of the metropolis, a scheme first started by his own party and now frustrated by their own political successors.

MR. CRAWFORD observed, that after what the Chancellor of the Exchequer had said about the law of the case, it would be out of place for him to offer any opinion upon that point. He understood from the statement of the right hon. Gentleman that this land was the property of the Crown, and that the Crown had, therefore, a perfect right to deal with it as it thought fit. [The CHANCELLOR of the EXCHEQUER was understood to disclaim this conclusion.] That, at all events, was the deduction which he made from the speech of the right hon. Gentleman. He presumed the right hon. Gentleman meant that this land was the property of the Crown by virtue of its having been foreshore. But, formerly, the land was absolutely useless, washed sometimes by the river and left dry at others, and being occasionally used as a convenient place for depositing dead cats and dogs. It was the ratepayers of the metropolis who had made that land valuable. The ratepayers, however, assumed no right whatever over the land; but, hearing that it was intended to use the land as a site for public offices, all they asked was that the space might be left open. If that, as he apprehended it was, was the meaning of his hon. Friend (Mr. W. H.

Smith), he should give his support to the Motion under consideration.

Mr. RATHBONE said, he should be very glad to find the Chancellor of the Exchequer rich enough and public spirited enough to provide recreation grounds for the people; but if that were done for London the boon ought also to be extended to other towns in the kingdom. In Liverpool, for instance, where they had commenced such a work, they had come to a standstill, owing to their having found the work more expensive than they had anticipated; and if the assistance now asked for were afforded, it would only be right that the Chancellor of the Exchequer should come to the rescue of the Liverpool people and give them also £100,000. London already enjoyed exceptional advantages and opportunities, and could better afford to make provision for its own wants than could many parts of the country.

Mr. SAMUDA said, he thought the metropolis well entitled to express an opinion as to the use that should be made of this ground, which had been reclaimed at the expense of the ratepayers from being a mud bank and a public nuisance. The making of the Thames Embankment had given the ground in question its present value; and that had been constructed by capitalizing a fund which was composed of fines, in the shape of a duty on coal, inflicted on the manufacturers of London in endeavouring to compete with the outports. What was now asked, therefore, was not at all unreasonable. They did not ask that the ground should be given to them. Land similarly circumstanced had been most liberally given by the Government to add to the gardens of some of the lessees whose property happened to lie along the river; and all he understood that was now asked was that buildings should not be allowed to project and to form a line altogether distinct from those along the river. There were special reasons why the Government should not view the question merely with reference to a paltry matter of £100,000. He was quite sure the Chancellor of the Exchequer and the Prime Minister himself would think £100,000 very well devoted if profitably used for the advantage of the metropolis, especially if it did not come out of the Exchequer, but was produced by accidental circumstances and from the contributions of those who in the metropolis asked now for nothing more than was reasonable.

Mr. M. T. BASS was not disposed to undervalue £100,000, but when the Chancellor of the Exchequer talked of £150,000, he ought to give them credit for the £1,650,000 which the ratepayers had expended in reclaiming this land. They had paid their money, and they ought to have their money's worth. Those who had spent so large a sum were entitled to have some consideration paid to them. There was hardly one among them who had not contributed to that sum; he did not know how many twopences he had paid. The proposition of the hon. Member for Westminster (Mr. W. H. Smith) was most reasonable. The ground was not asked for any special purpose for themselves; but it should not be rendered hideous by buildings altogether unsuitable to the site.

Mr. GLADSTONE: No doubt, Sir, £100,000 is a sum of considerable importance; but there is something involved in this issue much more important than a sum of money. There is a great deal more money at issue, and a great deal more than money, which I shall endeavour by and by to explain. In the first place, let me put aside one or two questions which have been brought into the discussion and which are wholly irrelevant. The hon. Member for the University of Cambridge (Mr. Beresford Hope) said it would be an extraordinary proceeding if they proposed to turn Hyde Park to purposes of profitable investment. But Hyde Park is governed by express provisions of Parliament, and the Crown has no power to do anything of the sort. Then it is assumed that we are now deciding a question which has never yet been brought before the House of Commons—whether certain buildings connected with the Army and the Admiralty are or are not to be placed on this piece of ground, the property of the Crown. We are not deciding that proposal at all. It is not before the House in any shape. If the Government make such a proposal, then will be the time for considering it on its merits. I am quite sure that the hon. Member for Westminster (Mr. W. H. Smith), if he should lose his Motion, would think it an unfair advantage if we should take that to be a decision that those buildings should be placed upon this ground. Then let us take the converse, and dismiss from our minds the question whether those buildings are to be placed upon the ground or not. The question now to be decided is a question of principle. First as to the nature of that principle, and, secondly, the extraordinary character of the Address by which it is proposed to carry it into effect—an Address which, if carried, would not be worth the paper on which it was written. First, as regards the principle. In former times it was the custom of the House to vote very considerable sums of money for the benefit of the metropolis; but it was also the practice to levy certain sums in taxation from the metropolis. That taxation gradually diminished. Last year the Chancellor of the Exchequer generously parted with the last of it, £80,000 a year, for cab duty. [Mr. Samuda: The coal duty.] For whose benefit was that? The Exchequer does not derive one farthing from the coal duty. It was so laudable and honourable according to the hon. Member opposite, to expend this large sum of money in reclaiming this ground, that the metropolis should be compensated for it at the public expense. ["No, no!"] That was distinctly the doctrine laid down by the hon. Member for Derby (Mr. Bass). The ratepayers of the metropolis, he said, had spent £1,650,000, and they ought to have credit for that money. Well, the metropolis having now ceased to contribute specially one single farthing to the public Exchequer, Parliament has found the consequence of this system of grants to the metropolis was that similar demands came in from other parts of the country. One or two were made. It was found they rapidly grew to preposterous dimensions. Parliament bethought itself of the error it was committing, and came to the conclusion that although some fair plea might be urged for the continuance of the system till the metropolis had a local Board of Management, yet it was absolutely necessary to get rid of a system so costly, or a great, genuine, and just dissatisfaction of other large communities must be the result. That being so, Parliament gave local government to the metropolis, and determined to have done with local grants to the metropolis. The hon. Member for Westminster asks the House to reverse that principle, not by making a grant from the public Exchequer, but by appealing to the Crown to hand over Crown land, of which we are proprietors for the Queen's life-time, to benefit the people of the metropolis. On what principle is that demand based? He says—"It is entirely our own," that it has been reclaimed from the Thames, that the Thames belongs to London, and that London should have the benefit of it. Now, the hon. Member must be perfectly aware that the soil of the Thames did not belong to London, that London had no property in it. The soil is just as much the property of the Crown as any soil, unreclaimed, though still included in the estate of some private gentleman in the country, belongs to that private owner. The hon. Member for the Isle of Wight (Mr. Baillie Cochrane) receives that statement with incredulity; but it is one that cannot be questioned, and the accuracy of which was acknowledged at the time when this land was reclaimed. An arrangement was come to between the reclaimers who sustained the cost of reclamation and the original proprietor of the soil, under which each received a certain proportion of the land reclaimed. And the part which was given to the proprietor in respect of the proprietary right, the hon. Member for Westminster proposes to take away. Perhaps I shall be told that in point of form he does not propose to take it away; but what he does propose is that it shall be kept by the Crown as a barren and unproductive domain—or, rather, that the Crown shall be at the expense of maintaining it for the people of London. That is to say, that this having been given to the Crown as a property, he proposes to convert it into a burden—because, of course, if it is to be kept up for the benefit of the public, it must be maintained in proper condition. [Mr. W. H. Smith: As ornamental gardens.] Exactly so; the proposition as I now understand it is not only that £150,000—the value placed upon the property—shall be taken from the people of this country for the benefit of the metropolis, but that the property itself is to be turned into ornamental gardens, to be maintained, I suppose out of the Crown Estate. ["No, no!"] Well, then, who is to bear the cost? [Mr. Baillie Cochrane: They are to be maintained by a rate upon the metropolis.] The hon. Member for Westminster never said so. The hon. Gentleman does not tell us by what authority he, the Member for the Isle of Wight, assumes to speak for the people of the metropolis, and to say that they shall be taxed for this purpose. The hon. Member for Westminster is my representative, and I repudiate the hon. Member for the Isle of Wight in that capacity. I will not further inquire to what use this piece of ground is to be applied; but I will say at once that I am not willing that we should make a grant of this kind from the public purse to the people of London. If we do this we break down a long and well-considered policy, embodied in a regular system, and open a way back to the old system, which, on account of its mischiefs, was deliberately abandoned. And I would further say that if we are, as the hon. Member for Westminster proposes, to make a virtual grant of £150,000 from the public purse for the benefit of the metropolis, I gravely doubt and I confidently dispute whether the best way to make that grant in the interests of the metropolis itself is by securing two acres on the banks of the River Thames. It would be, I think, an inconsiderate and improper application of so large a sum to expend it all at this one point, when, with the same money, much greater results in the way of benefit and comfort to the inhabitants of London might be obtained. My hon. Friend the Member for Cambridge University evidently confuses together in a way fatal to the argument the two senses in which "the Crown" is spoken of in reference to the holding of public property. My hon. Friend said he would call the Crown the Crown. It would be rather a paradox to say the Crown is not the Crown; but, in point of fact, that would be nearer the truth than my hon. Friend's statement, for the expression "the Crown" is used with two widely different significations. My hon. Friend says that the Crown is the trustee of property for the benefit of the nation, and also that the House of Commons is the adviser of the Crown. That is only true in part, and the direction which is contemplated by this Motion for an Address is a permanent direction. The Crown is the owner of this property during the life-time of the Queen, and will also be the owner after the life-time of Her Majesty; but the relations of this House to the Crown before and after that period will be widely different. During the lifetime of the Queen the Crown is possessed of this property as a trustee in like manner as it is possessed of the Custom House, or other public building; and in the management of that property the House of Commons may be said to be the Adviser of the Crown. But this House, so far from being the Counsellor of the Crown in the future, has no more right to touch that property prospectively, to interfere with its productiveness, or to govern its uses from the moment that a change has been made in the person of the Sovereign than it has to interfere with the private estate of my hon. Friend himself, for there is the right of the Prince of Wales as heir of entail. [*Laughter.*] I am astonished to see a Gentleman smile below the Gangway. What I am now saying is no *dictum* of mine. The hon. Member will probably believe in the accuracy of what I am stating when I say that this is the basis of all the Acts of Parliament relating to the Crown with which he is or might be acquainted. There is not one of those Acts of Parliament which does not studiously preserve the interests of the Prince of Wales or other successor to the Throne; and the House of Commons has no right whatever to give any directions, even in the way of advice, to the Crown touching the use of that property, except such powers are, by distinct Acts of Parliament, conferred upon us. I cannot believe it, until I see it, that the hon. Member will ask the House to vote an Address which positively proposes to direct the manner of application or non-application permanently of that as to which we are simply possessed of a lease for life, and when that lease for life expires we have no right to say one single word. I will go further, and say that I presume, from what I have heard, that the hon. Gentleman is prepared to re-open the system of making virtual grants to the metropolis from the purse of the nation, but I do not mean to be any party to the re-opening of that system. I give him fair notice that we are determined that if this is done at all, it shall not be done obliquely and incidentally—it shall only be done by laying down some clear principle upon which, if grants are to be made from the public purse for the metropolis, they shall also be made for other parts of the country. I say plainly that I shall not agree to the proposal. I shall object to it, and if done at all, it shall only be done on the principle I have indicated. I now come to the last question—the terms of the Address by which my hon. Friend seeks to restrain the erection of buildings on that portion of the Thames Embankment which is reserved to the Crown. This property, by the admission of all, is capable of being turned to profitable uses; but the House is invited to join in an Address having for its object to secure that this land shall not yield any revenues or ground rents to the Crown, as it would do if public offices were built upon it. Now, the Address of the hon. Member is flatly opposed to the law. The law of the land makes it the duty of the Commissioners of Woods and Forests to turn to the best and most profitable account the property of the Crown; and it is not competent even for Her Majesty to issue any directions to the officers of Woods and Forests desiring them not to do so. If this House were, unfortunately, to pass an Address in the terms proposed by the hon. Gentleman, it would be the duty of the Crown to inform this House that its prayer was beyond the power of the Crown to grant, being contrary to the law of the land. The hon. Gentleman will perfectly understand me when I say that no directions issued from the Treasury or any other Department of the Government could release the Commissioners of Woods and Forests from their duty imposed upon them by law. And if an attempt be made to convert into an unproductive property that which now belongs to the Crown, and is capable of yielding revenue, the only way in which this can be done is by the action of the Legislature; it cannot be done merely upon an Address from this House. I admit that it would not be competent, under the rules of the House, for the hon. Member to bring in a Bill for this purpose, and, therefore, if he cared to raise the question, he must do so in some other manner. But I beg to point out to him the effect of this Address. As far as the attainment of his object is concerned, I believe it would be simply null and void; though it would not be so in other respects, because it would be the duty of the Advisers of the Crown to recommend that the legal facts bearing upon the Address should be stated in the Answer. And I, for one, should be very sorry to be a party, even in the discharge of duty, to placing upon record that which I think would not altogether accord with the dignity of the House of Commons and with the respect which it has invariably shown for the law of the land. I will say, then, with regard to the disposal of this property that the hon. Gentleman ought to be content to rest upon his oars. If the Government think proper to propose to Parliament to make any disposal of it such as he deprecates, he has a remedy in his hands, because he will be in a condition to object to the plan of the Government. It is his determination to anticipate the plan which has placed him and the House in this difficulty—that we are asked to adopt an Address with which it is impossible for the Crown to comply. I think it will not be unreasonable to suggest to the hon. Gentleman that, inasmuch as the property is not now the subject of any application of which he disapproves, he should rest satisfied with the *status quo* as long as it subsists. It cannot subsist very long, because it will be our duty to make some propositions for turning that property to account. I recommend the hon. Gentleman to wait until that proposition is made, and then if it should be objectionable he can, as a Member of this House, state any objection he may think fit to make.

MR. LOCKE said, that if the course taken by the hon. Member (Mr. W. H. Smith) was irregular, a statement to that effect at an earlier period by some Gentleman on the Treasury Bench would have saved the House a great deal of trouble in discussing this question. It seemed to him remarkable that the First Minister of the Crown should have dealt in a most elaborate speech with this question as if it were one of the most vital matters which had ever been considered by the House, but should have reserved his main point to the last, and then have stated that the hon. Member who brought the subject before the House had no *locus standi.* But whether he had a *locus standi* or not was perfectly immaterial, because the House had been asked to discuss the question upon principle. The House was asked to discuss it upon the point as to whether or not the Crown had a right to ride over them entirely upon every occasion, and was to be entirely distinct from the people. He had always understood that the Crown in this country derived its power from the people, and was established for the benefit of the people. He would not say that the speech of the Chancellor of the Exchequer was unintelligible, but it did not go into the question at issue, and simply opened the argument that the Crown had certain rights, to which everybody was to give way. What were the simple facts of the case? The Thames Embankment had been made, and the foreshore of the river had been taken and reclaimed. There had been a foreshore in front of the property of a number of persons and of the Crown. The Temple was strictly forbidden to build upon any portion of the foreshore which had been reclaimed, but the Crown was omnipotent, and said it would do what nobody else was allowed to do, although the Act of Parliament never gave it this permission. That was a wrong and improper position, and it might bring the Crown into a situation in which he was sure the First Minister would not wish to place it. The question seemed to be of the mildest character, although it had created so much excitement. Here was a piece of ground which the Crown said belonged to it. He durst say it did; but they said to the Crown—"Do not act differently from other people." Do not disfigure it; do not put a building on it. No one would deny that for anybody to raise a building in this country was to disfigure the land. We all looked with horror on any building raised in this country. It was never ornamental or of any use; it was always an eyesore, and always disagreeable to the metropolis or to the nation at large. The Crown, in this instance, was simply asked to stay its hand, and not to desecrate that portion of the land which had been reclaimed, in the words of the Act—"For the health and for the recreation of the people of this metropolis." The hon. Member for Liverpool (Mr. Rathbone) said they were to have nothing for it. But he should like to know what Liverpool was paid for its foreshore. [Mr. MELLY said they paid very large sums indeed.] He was glad to hear it; and, no doubt, they had their money's worth, because they were a people who knew how to take care of themselves. The right hon. Gentleman said this land was worth £150,000. Who made it so? It was not worth 2*d*. until the ratepayers of this metropolis stepped in, and out of their hard earnings, paid the cost of reclaiming it. Yet the Crown claimed to hold it for the benefit of the people at large. He contended that that was dishonesty on the part of the Crown. The First Minister of the Crown looked at the matter as it might be regarded by the Chancellor of the Exchequer, who sat by his side. In fact, there were two Chancellors of the Exchequer rolled into one, and neither of them considered the rights, interests, and feelings of the people at large. He had always maintained that the metropolis was an ill-used place. It was in a different position from any other city or borough in the kingdom. It was near the home of the House of Commons, and they had always sought to legislate for it. Hon. Members said—"We come here, we pass the Session here, we enjoy ourselves here." The Under Secretary for the Home Department shook his head; but of course he was placed in such a position that he could not enjoy himself. He was a hard-working individual who had been brought there against his will. But the hon. Members he now addressed were comfortable in that House and in this metropolis; and they said—"We will make everything more comfortable." First of all, they told the metropolis it must put its sewage into the water; then that it must keep the sewage out; and, lastly, that it must make an Embankment. All this had been done out of the pockets of the ratepayers of the metropolis. The poorest man had to contribute, even if he reduced his family to beggary in order to pay the rates. It could not be denied that there was poverty in the metropolis; and an immense amount of it was created by the heavy rates imposed. Further, a great portion of those rates had been levied to carry out those improvements which Parliament had said were necessary. That being the case it was a great hardship that when the Embankment had been made and the foreshore reclaimed at the expense of the coal duties and rates of the metropolis, the Crown should come to that House with all the insignia of office and scream out its demand to do that which no other owner of property on the bank of the river could do—namely, to misuse that which had been reclaimed from the bed of the river. He hoped the House would not be led away by the sophistry that had proceeded from the Treasury Bench. Hon. Members from other parts of the country might look upon this as a question which at any time might happen to themselves, and he hoped that they would unhesitatingly pronounce that the action of the Crown in this matter should be in this, as in all other cases, for the benefit of the people. What was done should be done for the benefit of this great metropolis, containing 3,000,000 of people, and it was necessary for their health and recreation that every speck of land available should be kept open. And as for the Members of the Government themselves, if he could not appeal to their hearts he would appeal to their fears, and remind them that small-pox and fever were rife in the metropolis, and that it behoved them to see that a place where they spent so many months of the year was kept as healthy as possible.

Lord JOHN MANNERS said, he hoped the hon. Member for Westminster (Mr. W. H. Smith) would not be alarmed at the severe lecture he had received from the First Lord of the Treasury. His Motion was reasonable, and would certainly not be followed by the tremendous consequences described by the right hon. Gentleman. The reply which the Prime Minister might think fit to recommend her Majesty to make to the Address was not at present a subject for the consideration of the House; that was a matter which they could well leave to the right hon. Gentleman, and he had no doubt but that the reply, when delivered, would be found to be such as befitted a constitutional Sovereign to give to an Address from the House of Commons. Upon the main question he submitted that, if the property reclaimed by the ratepayers was worth £150,000 to the Crown, it did not come with very good grace from Ministerial lips to say that that property was at the absolute discretion of the Crown, and that the House had no right to interfere in the disposal of it, even to the extent of giving advice. And when circumstantial rumours were rife, and remained uncontradicted by the Government, to the effect that it was intended to devote this property to providing sites for public offices, in opposition to the opinion of a great number of hon. Members, it was but right those hon. Members should state their objections to the scheme. The right hon. Gentleman, however, had stated that the Commissioners of Woods and Forests were obliged to devote this land to the most profitable purposes; but did the Motion interfere with that principle? It was perfectly open to any hon. Member to maintain that putting public offices on the land was not the most profitable way of employing it. Owners of land in the metropolis—the Marquess of Westminster, for instance—could establish that from their personal experience; and, inasmuch as the Motion simply asked the House to say that no public offices should be erected on the reclaimed land of the Embankment, he would support it. The argument which the right hon. Gentleman had based upon economy was perfectly fallacious; if the building of public offices on this land would be more profitable to the Commissioners of Woods and Forests than building private houses, then the bargain would be a bad one for the public offices, and the argument of economy fell to the ground. Practically speaking, what was the meaning of the Motion of his hon. Friend? It was that the House had heard of proposals for erecting public offices on the land in question, and that it was not expedient to entertain the idea. He cordially agreed with his hon. Friend. It should be remembered that this scheme was directly adverse to the proposed concentration of public offices which had been reported on favourably by the Committee presided over by the late Lord Llanover, who had also named a site for the purpose. This Report had been endorsed, after two years' deliberation, by a Treasury Commission appointed by Earl Russell in 1866. The site chosen by this Commission was the line from the present Admiralty down to Great George Street; and if this Embankment scheme were adopted, two of the most important offices would be cut off from the rest by a crowded thoroughfare with a railway running underneath it and another skirting it, while the great railway station at Charing Cross would be undeniably near to it, so that instead of the concentration it would be the isolation of the public offices. On these grounds he cordially recommended the Motion of his hon. Friend to the favourable consideration of the House.

Mr. COWPER-TEMPLE said, he thought the metropolitan Members had been rather too strong in their assertions. It was an entire misapprehension to suppose that the metropolis had acquired any right, either legal or equitable, over the land of the Crown. The hon. and learned Member for Southwark (Mr. Locke) had drawn a comparison between the foreshores of the Crown and the foreshores of the Temple, but the circumstances were totally different; the Crown had undisputed rights over the foreshores in front of its own property, but the Temple had no such rights, nor had any of the owners of land on that bank of the river. The Crown had two distinct rights—one was the undisputed right to the foreshore in front of its own property, and the other was a share of the Thames Conservancy in the general foreshore of the river. When the powers were taken for making the Embankment it was necessary that the metropolis should purchase the right of making the Embankment on the foreshore; and, in return, it got the road and the subway and the Embankment. The metropolis, in fact, got all that it wanted; but there was something beside which it did not want, and that was the reclaimed land—that portion of filled-in land between the Embankment proper and the old foreshore—to which, at the time the details of the scheme were originally gone into, no claim was made. The claims which had been advanced to-night on behalf of the metropolitan ratepayers were never heard of at the time of the passing of the Act authorizing the construction of the Embankment; on the contrary, it was thought that the metropolis was obtaining a fair bargain in getting all the reclaimed ground except that which fronted the land of the Crown and the Temple. The Crown might have made the Embankment itself, and have converted the foreshores into most valuable property. [An hon. MEMBER: Why did it not do so, then?] Had the Crown followed that course it might have realized more, after paying all the expenses, than the reclaimed land it held was worth. Under these circumstances, he did not admit that the metropolis had any claim, either legal or equitable, over the reclaimed land held by the Crown; and he submitted that the Motion of the hon. Member could not be supported, on the ground that it set forth that the land in question had been reclaimed at the cost of the ratepayers of the metropolis. Although that proposition might be true in one sense, yet the metropolis had obtained a good return for the money it had expended, and had got all that they had expected to get. The proposition of the right hon. Gentleman the First Minister of the Crown that the Crown had the right to determine what use should be made of the reclaimed land could not be disputed. The Advisers of the Crown, however, in disposing of the property, were bound to consider the local as well as Imperial interests, and ought not to put it to a use that would disfigure the metropolis. He hoped that no building would be erected on the site in question so as to interfere with the symmetry of the place, or to prevent a free current of air along the Embankment, or to obstruct the view from end to end of that work. That, however, was a matter for future discussion, and did not arise under the present Motion, which he trusted would be rejected.

MR. WEST said, that the hon. and learned Member for Southwark (Mr. Locke) had asked in what respect the Crown differed from other owners whose property abutted upon the foreshores, and the answer to that question was that the Crown had rights in the bed and soil of the river which no other proprietors had. He had been greatly surprised at hearing the noble Lord opposite (Lord John Manners), who in a certain degree represented the Conservative party, supporting the proposal for as revolutionary an invasion of the rights of property as any project which had ever been submitted to that House. It simply amounted to this—that because a person under a deliberate bargain had expended money on another man's land, therefore the land belonged to him. It was quite sufficient if he received a portion of the land as an equivalent. When the Liverpool Docks were in the course of construction Lord Derby received no less than £60,000 for his rights over the foreshore of the Mersey, which, until that time, had not been worth a sixpence. If the ratepayers desired that the land should be preserved for their recreation and amusement, let them pay for it and do what they liked with it. He should certainly vote against the Motion.

MR. SPENCER WALPOLE said, that when the right hon. Member for South Hampshire (Mr. Cowper-Temple) had said just now that he thought the advocates of this Motion had been carried away too much by their zeal, and had consequently put their case too high, he had quite concurred in that view; but before the right hon. Gentleman had got to the end of his speech he thought his case, also, had been placed too high. With regard to the observations of the hon. and learned Member opposite (Mr. West) it seemed to him that the House of Commons might as well abandon its functions at once if it were not to be at liberty to give a temperate opinion in its Address to the Crown as to the way in which a portion of the Embankment might be properly and best applied for the public purposes. The right hon. Gentleman the First Minister of the Crown had advanced some propositions which seemed to him to be so totally untenable that they ought not to be allowed to pass for a moment. The right hon. Gentleman during the greater part of his speech seemed to be arguing as though the supporters of the Motion were asking for a grant of public money for the benefit of the metropolis. But no such application as that had been, or was likely to be, made. What might reasonably be asked, and what was asked, was this —that when property which had had its value so greatly increased that from being worth nothing it had become of enormous value by the application, not of the public funds of the country, but of the local rates of the metropolis, it might not be applied to purposes which would disfigure the general appearance of the Embankment. It was a little too much, under the circumstances, for the right hon. Gentleman the Member for South Hampshire to say that the equitable rights of the ratepayers of the metropolis over the property were not such as to justify them in addressing the Crown. Then, the right hon. Gentleman at the head of the Government went on to state that as this property was worth £150,000, the Crown would not be justified in surrendering it. But what was this property? It was property like that about which we had heard so much during the discussion of the Land Bill for Ireland—it was property to which the money of other persons had given value. The representatives of the Crown who held that property said—"We will take advantage of the benefit you have given to us, and we won't even entertain the question whether that property may not be most advantageously applied for the benefit of those by whose money it has been made valuable." The right hon. Gentleman had also said—and upon this point he entirely concurred with him—that the hon. Member for Westminster could not by law deal with this property without the consent of the Advisers of the Crown. There was, however, a broad distinction between bringing in a Bill to deal with this property against the consent of the Advisers of the Crown and bringing forward a Motion for an Address to the Crown on the subject. It appeared to him that the only question the House had to consider was, what was the best purpose to which this property could be applied. His hon. Friend (Mr. W. H. Smith) was of opinion that the erection of public offices was not the best purpose, and all that the Motion sought to do was to elicit from the House an opinion upon that point. He (Mr. Spencer Walpole) would, however, go further than that and say that the question was not one which ought to be decided upon the exigencies of the moment, but ought to be determined in such a manner that in future years it might be said that the property had been dealt with in such a way as best to conduce to the advantage of the people of the metropolis. In these days, when population was increasing at so rapid a rate, all must be agreed as to the desirability of preserving every open space in the metropolis and in other large towns, and it was with that feeling that he should give his vote in favour of the Motion.

Mr. CANDLISH said, the conditions under which the Embankment was made had nothing to do with the question before the House. Those conditions were settled at the time to the satisfaction of all concerned, and it did not rest with Parliament to review those conditions. The question was, whether the country was to be taxed to the extent of £150,000 for the local benefit of the metropolis. If the metropolis needed improvement it should be done at the expense of those who resided in it. The metropolis was not so heavily taxed for local purposes as many of the boroughs of the country.

Mr. Alderman W. LAWRENCE said, in accordance with the arrangement that was made at the commencement of a reign with reference to Crown lands, it was competent for Parliament to take any course it might think fit with reference to those lands. The arguments that had been used in favour of building on this site might be used with equal force for building on Hyde Park, St. James's Park, or on any of the open spaces within the metropolis that were vested in the Crown. Much misapprehension prevailed on the subject of the right of the Crown to the bed and soil of the river Thames. Some persons seemed to imagine that the right had existed from time immemorial. But previous to the year 1856, however, the Crown had never exercised any right, authority, or jurisdiction whatever over the bed and soil of the Thames; but about 40 years ago the Crown put forward a claim to it. Some ingenious solicitor, he supposed, suggested the claim, and a suit was commenced between the Office of Woods and Forests and the Corporation of London, which lasted 20 years. The case then came before the House of Lords, and remained there for 10 years more. Some Attorneys General, Solicitors General, and solicitors to the Woods and Forests must have realized fortunes by those proceedings; and, no doubt, the solicitor to the Corporation also made money out of them. At length, a compromise was come to, by the terms of which the Corporation paid the Woods and Forests a sum of £5,000, and the Corporation withdrew all claim to the bed and soil of the river, and the Woods and Forests, representing the Crown, agreed to make out a conveyance to the Corporation of the interest of the Crown in the bed and soil of the river, except such portions of them as were in front of property belonging to the Crown, or any Department of the Government, or in the possession of any Department of the Government, such conveyance being made subject to the proviso that the Corporation paid annually to the Woods and Forests one-third part of the rents, revenues, and proceeds arising from the bed and soil of the river. The Crown never was able to prove its right to the bed and soil of the Thames, or it would never have compromised its right for one-third of the revenues. There was one point which had not been placed before the House. The Crown held the property between Whitehall and the river from Richmond Terrace to Northumberland House, to which the new roadway was of the utmost importance. That had been made at the expense of the ratepayers, and the value of the Crown property had consequently been nearly doubled. If the Department of Woods and Forests, which represented the Crown, had been able to enforce its views, the carriage traffic along the Embankment would have been turned off at Whitehall Place instead of being continued to Westminster Bridge. It was not to the Board of Works, but to Lord Palmerston and to his right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple), the metropolis were indebted for the carriage way being continued along the Embankment.

Mr. COLLINS said, the hon. Member for Sunderland (Mr. Candlish) had argued that question as if the constituencies in the country were about to be taxed for the benefit of the inhabitants of London. That was not the light in which he himself or, he believed, his constituents viewed the matter, and the people of Sunderland must be very unreasonable if they complained that the ratepayers of London were to have the advantage of improvements effected with their own money. He himself had systematically voted against such proposals as the making of a park at Finsbury, or the throwing open of the metropolitan bridges by means of the public funds, thinking that such things should be done at the cost of the community that was to benefit by them. The question now before them, however, was a very different one, and it lay in a nut-shell. It came practically to this—what was the value of that property before that great improvement was carried out at the expense of the ratepayers of London? Why, it was a mere song. The Crown, then, should not insist on its technical rights to the land, but let those have the advantage of it who had to bear the charge for reclaiming it.

Lord ELCHO said, he could not vote for the Motion as it stood. His hon. Friend who spoke last said that matter lay in a nut-shell; but he had touched only one side of it—namely, the question as between the ratepayers and the Crown; whereas they had also to consider this question—whether public offices were, or were not ever to be built upon that land. Certainly, it was rather a strong proceeding that land which was but ooze and mud, and comparatively worthless, should, immediately a value was given to it by the heavy taxation of the ratepayers of London, be seized upon by the Crown, and that no compensation whatever should be allowed to the ratepayers. In Ireland they were giving compensation to persons who had reclaimed land and had the use of it even for 30 years; but the ratepayers of London, who had reclaimed land and had no use of or benefit from it, were to receive no compensation for disturbance of possession. The claim of the Crown to the foreshores of the Thames was an infinitesimal part of a very wide and very important question, extending over the whole kingdom, which it was very desirable to have satisfactorily settled. The claim of the Crown to foreshores arose on the Clyde, and the Duke of Argyll—a Member of the present Cabinet—successfully resisted that claim, and beat the Crown. There was an association formed in Scotland which desired to have a legal decision of the question of right to the foreshores as between the Crown and the landowners, which was a continually running sore. But the Resolution before the House went much further than the matter of the foreshores, and was opposed to any public offices being ever erected on that portion of the Thames Embankment which was reserved to the Crown, and which had been reclaimed from the river at the cost of the ratepayers of London. The whole question of not building on those open spaces came before the Committee which sat last year, and of which he was Chairman. That Committee came to the conclusion that the part of the land between Waterloo and Hungerford Bridges was a most eligible site for a Natural History Museum, with gardens attached to it, and he believed the same arguments applied to the land on the other side of Hungerford Bridge. He was not prepared to say that for all time no public offices should ever be built upon that land. They had had various schemes proposed for the concentration of the public offices; and, in his opinion, the best scheme laid before the Committee of last year was that of Mr. Pennethorne, for concentrating the public offices on the land between the Duke of Buccleuch's House and the Charing Cross Railway Station. At the same time, it would be a great mistake for the House to sanction the placing hap-hazard of this or that public office on that land, without having a comprehensive plan before them. He would vote for the Motion if the hon. Member (Mr. W. H. Smith) would consent to add the words—

"Unless the plans for such public offices shall have been laid before the House, and ample time shall have been given for their consideration, and the assent of Parliament obtained."

Mr. Alderman LUSK, Mr. MUNDELLA, and Mr. W. M. TORRENS addressed the House, but the hon. Members were inaudible owing to continual cries for a Division.

Question put.

The House *divided*:—Ayes 106; Noes 156: Majority 50.

Words *added.*

Main Question, as amended, put, and *agreed to.*

*Resolved,* That an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis.—(*Mr. William Henry Smith.*)

## FRIENDLY SOCIETIES.

### OBSERVATIONS.

MR. E. M. RICHARDS, who had given Notice of an Amendment on the Motion for going into Committee—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the existing state of the Law relating to Friendly Societies,"

said, that as under the vote just come to he should not be in Order in making his Motion, he would, to put himself in Order, conclude what he had to say with a Motion for the adjournment of the House. Last Session, when he had asked the right hon. Gentleman at the head of the Government whether Her Majesty's Government were prepared to legislate upon the subject, the right hon. Gentleman had offered to agree to the appointment of a Select Committee if he would move for it. It was, however, felt by those interested in this subject that nothing short of a Royal Commission would answer the purpose. He need scarcely remind the House that the interests concerned were very large. About a fourth of the whole population of the country were interested directly or indirectly in the question. The Odd

Fellows and Foresters alone numbered somewhere about 800,000 members, and had surplus funds amounting to something like £4,000,000; the whole of the friendly societies in this country possessing a capital of from £15,000,000 to £20,000,000. They had been informed by the responsible officer of the Government, the late Mr. Tidd Pratt, that legislation would be most desirable to enable such societies to be properly conducted, and it was also admitted by the Secretary of State for the Home Department. The only objection of any weight that had yet been urged against the appointment of a Royal Commission was one of expense; but that objection was more than counterbalanced by the magnitude of the interests involved, and the importance of the inquiry to those concerned. Irrespective of the lavish expenditure of these societies, there were allegations that the receipts were not expended for the purposes which were mentioned to the members at the time they entered, and it was not unusual on a death occurring, when £1 or £1 5*s.* ought to be paid, for the claimants to be put off with 10*s.* or 15*s.*, on the ground that the member was out of benefit at the time of his decease. In addition to the societies he had enumerated there were certain cleical societies, which were managed to a great extent by clergymen, and he was happy to bear testimony to the fairness and liberality with which many of them were conducted. Indeed, the managers acted on the only sound principle which could be adopted, and insisted upon periodical valuations, which was an operation similar to stock-taking by a tradesman. An inquiry was necessary not only for the sake of the societies; but in order to ascertain whether the Government itself had done its duty towards them. It was well known, for instance that under 18 & 19 *Vict.* it was obligatory on the Registrar of Friendly Societies to tabulate the returns of mortality and sickness every five years; but since 1850 no such tabulation had been made, and the friendly societies complained of it as a grievance that the Returns which they were at great expense to obtain remained altogether untabulated. One large society — the Liver Society of Liverpool—thought legislation necessary, and they even prepared a Bill last Session, which, however, was not brought forward. The directors of that society would prefer an inquiry by a Select Committee, but they said that so many remarks had been made on friendly societies in general, and burial societies in particular, that they would offer no opposition to the appointment of a Royal Commission. As, however, it was not unlikely that a great many discharged servants might make statements injurious to the society, they wished to be represented by counsel in order that the evidence might be thoroughly sifted. The hon. Member, having made the Motion for the adjournment of the House, said, that having done so to place himself formally in Order he would now withdraw it.

Motion, by leave, *withdrawn.*

Mr. BRUCE said, in order to afford the hon. Member an opportunity of bringing forward the Motion he had placed on the Paper, he would move that the House should immediately resolve itself into Committee of Supply.

*Resolved,* That this House will immediately resolve itself into the Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. E. M. RICHARDS moved—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the existing state of the Law relating to Friendly Societies."

Mr. GATHORNE HARDY said, the Registrar of Friendly Societies had stated that out of some 23,000 or 25,000 of them hardly 20 were solvent. After such a statement everyone must admit that the Legislature ought to interfere. He might also mention that out of the 32,000 in-door paupers upwards of 4,000 had been members of friendly societies, which ought to have provided for them instead of allowing them to go on the parish. They had established the Post Office Savings Banks in order to give a Government guarantee to the industrial classes that their savings would be secure, and why, then, should not the State incur the trouble and expense of a Royal Commission with a view to show the poorer classes how they might invest their earnings and obtain a certain amount of independence in their old age? He had great pleasure in seconding the Motion.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the existing state of the Law relating to Friendly Societies,"—(*Mr. Evan Richards,*)

—instead thereof.

MR. BRUCE said, on the part of the Government, he assented to the Motion. It was impossible, after reading what had been written on this subject by those who had looked very closely into it, not to admit that it required consideration, while there was a general concurrence of opinion that inquiry must precede legislation.

MR. BONHAM-CARTER said, though friendly societies had done a great deal of good, he thought it was high time the law, on the subject—was amended. It was matter for congratulation that the Odd Fellows and the Foresters were both advocating inquiry.

VISCOUNT GALWAY said, he desired to express his satisfaction at the assent of the Home Secretary to the Motion.

SIR MICHAEL HICKS BEACH said, he would suggest that benefit building societies should be embraced in any inquiry.

MR. E. M. RICHARDS said, he presumed the inquiry would extend to all registered benefit societies, as they were included in the Friendly Societies Act.

MR. BRUCE said, he thought that was a mistake; but as such a vast number of the working classes belonged to building societies, it was well worthy of consideration whether they should not be included.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

*Resolved,* That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the existing state of the Law relating to Friendly Societies.—(*Mr. Evan Richards.*)

## DRAINAGE OF LANDS (IRELAND) PROVISIONAL ORDER CONFIRMATION BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm a Provisional Order under "The Drainage of Lands (Ireland) Act, 1863," and the Acts amending the same, *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 205.]

## INCLOSURE BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 206.]

House adjourned at a quarter after
One o'clock, till Monday next.

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TO

# HANSARD'S PARLIAMENTARY DEBATES.

## VOLUME CCII.

## FOURTH VOLUME OF SESSION 1870.

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### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1°, 2°, 3°, or $1^a$, $2^a$, $3^a$, Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st. Div.*, 2*nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Elementary Education, Comm. *cl.* 27, Amendt. 1414

BALL, Right Hon. J. T., *Dublin University*
Dublin City Voters Disfranchisement, 2R. 1426
Parochial Councils, Leave, 1141
Processions (Ireland), 2R. 1687

BANDON, Earl of
Irish Land, 2R. 90; Comm. *cl.* 3, 758, 760; *add. cl.* 1053; *cl.* 21, 1068; 3R. 1704

BARING, Mr. T., *Huntingdon*
Brokers (City of London), 2R. 738

BARNETT, Mr. H., *Woodstock*
Life Assurance Companies, Comm. *cl.* 3, 1171; *cl.* 5, 1173; *cl.* 7, 1174, 1176, 1180; *cl.* 10, 1182

BARRINGTON, Viscount, *Eye*
Army—Horse Guards and War Department, 1089

BARROW, Mr. W. H., *Nottinghamshire, S.*
Elementary Education, Comm. *cl.* 5, 1022; *cl.* 10, 1235; *cl.* 22, 1322

BARTTELOT, Colonel W. B., *Sussex, W.*
Army—Martini-Henry Rifle, 1616
Elementary Education, Comm. *cl.* 7, 1107; *cl.* 10, 1232; *cl.* 17, 1312; *cl.* 20, Amendt. 1320; *cl.* 27, 1421; *cl.* 29, 1479; *cl.* 45, 1639
Poaching Prevention Act Repeal, 2R. 1556

BASS, Mr. M. T., *Derby Bo.*
Army—Hoskins, Mr., Case of, 1203
Ecclesiastical Commissioners, Rules of the, 1203
Gun Licences, Comm. *cl.* 3, 854
Metropolis—Thames Embankment, Motion for an Address, 1768
Parliament—Sittings of the House, Res. 709

BAXTER, Mr. W. E. (Secretary to the Admiralty), *Montrose, &c.*
Navy—Questions, &c.
  Admiralty Pension Branch, 1089
  Coal for the Admiralty, 1304
  Discharged Dockyard Men, 1353
  H.M.S. "Monarch" and "Captain," 1460

BAZLEY, Sir T., *Manchester*
Elementary Education, Comm. *cl.* 65, Amendt. 1716
Life Assurance Companies, Comm. *cl.* 5, 1173

BEACH, Sir M. E. HICKS-, *Gloucestershire, E.*
Elementary Education, Comm. *cl.* 7, 1031; *cl.* 27, 1417; *cl.* 45, 1627
Friendly Societies, Motion for an Address, 1789
University Tests, Consid. 1381, 1383; *add. cl.* Amendt. 1386, 1390; 3R. 1465
Vaccination Act Amendment, 2R. 1585

BEACH, Mr. W. W. B., *Hampshire, N.*
Medical Officers Superannuation, 2R. 727

BEAUCHAMP, Earl
Irish Land, Report, *cl.* 3, 1432
Prayer Book (Lectionary), 2R. 1611

BEAUMONT, Mr. Somerset A., *Wakefield*
Lords Spiritual, Leave, 676, 701

**Benefices Bill** (*The Duke of Marlborough*)
*l.* Read 2ª, after debate *July* 4, 1336 (No. 130)

**Benefices Resignation Bill** [H.L.]
(*The Lord Bishop of Winchester*)
*l.* Read 2ª *June* 14, 3 (No. 119)
Committee* *June* 27 (No. 161)
Report *July* 4, 1343 (No. 178)
Moved, "That the Bill be now read 3ª" *July* 8, 1693; after short debate, Debate adjourned

**Benefit Building Societies Bill**
(*Mr. Gourley, Sir Roundell Palmer, Mr. Stevenson, Mr. M'Cullagh Torrens*)
*c.* Read 2º* *July* 4 [Bill 116]

BENTINCK, Mr. G. A. F. CAVENDISH-*Whitehaven*
Parliament—Refreshment Rooms, 1362
University Tests, Consid. *add. cl.* 1372, 1381

BERESFORD, Colonel F. M., *Southwark*
Dulwich College, 783
Elementary Education, Comm. *cl.* 14, Amendt. 1264
University Tests, 3R. 1467

BESSBOROUGH, Earl of
Irish Land, Comm. *cl.* 3, 760, 886, 891; *cl.* 5, 978; Report, *cl.* 3, Amendt. 1435

*Bible* (*Authorized Version*)
Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to invite the President of the United States to concur with Her Majesty in appointing Commissioners to revise the Authorized Version of the Bible" (*Mr. Buxton*) *June* 14, 100; after debate, Motion withdrawn

BIRLEY, Mr. H., *Manchester*
Elementary Education, Comm. *cl.* 22, 1323
Parochial Councils, Leave, 1134
Sale of Liquors on Sundays, 2R. 1193

*"Bombay" and "Oneida"—Captain Eyre*
Moved, "That, in the opinion of this House, there is nothing in the evidence taken by the Naval Court of Inquiry, or in the Correspondence which has been laid before Parliament, to justify the severe reprimand administered by the Board of Trade to Captain Eyre, and that further inquiry into his conduct ought to be made" (*Mr. Hanbury-Tracy*) *July* 5, 1513; after long debate, Motion withdrawn

Bonham-Carter, Mr. J., *Winchester*
  Friendly Societies, Motion for an Address, 1789

Boston, Lord
  Irish Land, Report, *cl.* 3, 1448

Bouverie, Right Hon. E. P., *Kilmarnock, &c.*
  East India Company, Motion for an Address, 1163
  Elementary Education, Comm. *cl.* 10, 1223
  Extradition, 2R. 303
  Ireland—Waterford Election Petition, 1209
  Parliament—Public Business, 1370
  Parliament—Sittings of the House, Res. 708, 713

Bowring, Mr. E. A., *Exeter*
  Elementary Education, Comm. *cl.* 27, 1423
  Life Assurance Companies, Comm. *cl.* 7, Amendt. 1175, 1177
  Supply—Foreign Office, 395
    Offices of the House of Commons, 385, 389
    Privy Council, Salaries, 405

Brady, Mr. J., *Leitrim Co.*
  Medical Officers Superannuation, 2R. 717
  Sunday Trading, 2R. 1583
  Vaccination Act Amendment, 2R. 1591

Brand, Mr. H. R., *Hertfordshire*
  Army—Direct Commissions, 784
  Elementary Education, Comm. *cl.* 17, 1315

*Brazil—Claims of British Subjects*
  Question, Mr. Anderson; Answer, Mr. Otway *June* 23, 786

Brewer, Dr. W., *Colchester*
  Elementary Education, Comm. *cl.* 7, Amendt. 1043, 1102; *cl.* 10, 1231; *cl.* 46, 1664
  Supply—Privy Council Office, 404

**Bridgwater and Beverley Disfranchisement Bill** (*The Lord Chancellor*)
*l.* Read $3^a$* *June* 14 (No. 129)
  Royal Assent *July* 4 [33 & 34 *Vict.* c. 21]

*Bridgwater Election Commissioners*
  Question, Mr. J. Lowther; Answer, Mr. Bruce *June* 24, 894
  *Case of Mr. Fennelly*, Question, Mr. Osborne; Answer, Mr. Bruce *June* 24, 894

Bright, Mr. Jacob, *Manchester*
  Elementary Education, Comm. *cl.* 14, Amendt. 1270

Brise, Colonel S. B. Ruggles-, *Essex, E.*
  Education—Revised Code, The, 1210
  Elementary Education, Comm. *cl.* 9, 1218; *cl.* 10, 1229

Bristol, Marquess of
  Irish Land, Comm. *cl.* 68, Amendt. 1087

Bristowe, Mr. S. B., *Newark*
  Capital Sentences (Court of Appeal), 2R. 731

*British Museum—Natural History Museum*
  Question, Mr. Beresford Hope; Answer, The Chancellor of the Exchequer *July* 4, 1361

Brodrick, Hon. W., *Surrey, Mid*
  Medical Officers Superannuation, 2R. 725
  Vagrancy, 491

**Brokers (City of London) Bill**
(*Mr. William Fowler, Mr. Morley, Mr. Eykyn, Mr. Bowring*)
*c.* Moved, "That the Bill be now read 2°" *June* 22, 735; after short debate, Debate adjourned [Bill 71]

Brougham, Lord
  Judicial Committee of the Privy Council, Motion for an Address, 1296

Brown, Mr. A. H., *Wenlock*
  Poaching Prevention Act Repeal, 2R. 1555

Bruce, Right Hon. H. A. (Secretary of State for the Home Department), *Renfrewshire*
  Army—Deaths on the March, 1614
  Bridgwater Commissioners, The, 894
  Cab Fares, 782
  Capital Sentences (Court of Appeal), 2R. 733
  Census of 1871;—Religious Denominations, 1356, 1711
  Convict Prisons, Management of, 893
  Corrupt Practices at Elections, Motion for a Return, 1553
  Criminal Lunatics, 492
  Elementary Education, Comm. 800, 922; *cl.* 26, 1329; *cl.* 33, 1485
  Fennelly, Mr., Case of, 894
  Friendly Societies, 1788; Motion for an Address, 1789, 1790
  King's Lynn Election, 1357
  Mathieu, Daniel, Case of, 260
  Maw, George, Case of, 787
  Newport Election, Riot at, 1355
  Parliament—Business of the House, Res. 1554
  Pilotage, Comm. 597
  Poaching Prevention Act Repeal, 2R. 1570
  Prison Ministers and Prison Acts, 1363
  Scotland—Sheriffships, 1360
  Sunday Trading, 2R. 1583
  Supply—Home Department, 391, 392, 393
  Trades Unions, 99
  Turnpike Trusts, 1619
  Vaccination Act Amendment, 2R. 1585, 1592

Bruce, Right Hon. Lord E. A. C. Brudenell-, *Marlborough*
  Army—Deaths from Sunstroke on the March, 999

Buckingham, Duke of
  Benefices Resignation, 3R. 1694
  Ireland—Cork, Disturbances at, 1302

**BULWER, Right Hon. Sir H. Lytton,** *Tamworth*
Clarendon, Late Earl of, 998

**BURKE, Mr. E. HAVILAND,** *Christchurch*
Education in the Channel Islands, 1623
Elementary Education, Comm. *cl.* 31, Amendt. 1481

**BUXTON, Mr. C.,** *Surrey, E.*
Bible (Authorized Version), Motion for an Address, 100, 123
Criminal Lunatics, 492
Elementary Education, Comm. *cl.* 5, 1022; *cl.* 7, 1038; *cl.* 10, 1228; *cl.* 19, 1318; *cl.* 26, 1327
Representation of the People Act Amendment, 2R. 168

**CAIRNS, Lord**
Benefices, 2R. 1339
Ecclesiastical Titles Act Repeal, Comm. Amendt. 1300
High Court of Justice, 3R. 319
Irish Land, 2R. Motion for Adjournment, 98, 183; *cl.* 1, Amendt. 745, 746, 747, 749, 752, 754, 755; *cl.* 3, 758, 769, 774, 775, 777, 778, 779, 863, 869, 878; *cl.* 4, Amendt. 954, 955, 957, 958, 966; *cl.* 5, 982, 987; *add. cl.* 991; *cl.* 10, 1053; *cl.* 12, Amendt. 1055, 1056; *add. cl.* 1058, 1060; *cl.* 14, 1061; *add. cl.* 1065; *cl.* 41, 1080, 1083; *cl.* 68, Amendt. 1086; Report, *cl.* 1, Amendt. 1428; *cl.* 3, 1429, 1432, 1433, 1443; *cl.* 5, 1450; *cl.* 9, Amendt. 1451; *cl.* 19, 1453; *cl.* 68, 1454, 1456; 3R. 1702, 1704; *cl.* 5, 1707
Judicial Committee of the Privy Council, Motion for an Address, 1294
Married Women's Property, 2R. 600, 618, 620
Medical Act Amendment, Comm. *cl.* 18, Amendt. 1199, 1201
Sequestration, Report, 321; 3R. 953, 1344
Sligo and Cashel Disfranchisement, 2R. 1601

**CAMOYS, Lord**
Benefices, 2R. 1339

*Canada, Dominion of*
*Red River Territory*, Motion for an Address for Copy of the correspondence had with the Reverend G. O. Corbett, one of the landed proprietors of British North West America, in reference to the Red River Rebellion and the causes that have led to it, as disclosed in certain communications addressed to the Colonial Office from the 25th of August 1868 to the present time; and also of all petitions that may have been addressed to Her Majesty or to Her Majesty's Government from the inhabitants of such localities" (*The Marquess of Clanricarde*) *July* 4, 1331; after short debate, Motion withdrawn

**CANDLISH, Mr. J.,** *Sunderland*
Elementary Education, Comm. *cl.* 5, 1021; *cl.* 7, 1043; *cl.* 8, 1114; *cl.* 10, 1223; *cl.* 20, Amendt. 1320, 1321; *cl.* 27, 1405; *cl.* 33, 1486; *cl.* 46, 1660, 1666; *cl.* 54, 1673
[*cont.*

**CANDLISH, Mr. J.**—*cont.*
Life Assurance Companies, Comm. *cl.* 11, 1183
Metropolis—Thames Embankment, Motion for an Address, 1782
Supply—Privy Council Office, 404
Vaccination Act Amendment, 2R. 1584

**Capital Sentences (Court of Appeal) Bill**
(*Sir George Jenkinson, Mr. Staveley Hill, Mr. Wren-Hoskyns*)
*c.* Moved, "That the Bill be now read 2°" *June* 22, 727
Amendt. to leave out "now," and add "upon this day three months" (*Mr. J. D. Lewis*); after short debate, Question, "That 'now,' &c.;" put, and negatived; words added; main Question, as amended, put, and agreed to; Bill put off for three months [Bill 85]

**CARDWELL, Right Hon. E. (Secretary of State for War),** *Oxford City*
Army—Questions, &c.
Cavalry Barracks at Chelsea, 491
Control Sub-Departments, 1616
Cornet and Ensign, 266
Deaths from Sunstroke on the March, 1001, 1211, 1615
Direct Commissions, 784
Enlistment Act, 787
Expenditure, 1614
Horse Guards and War Department, 1089
Hoskins, Mr., Case of, 1203
Martini-Henry Rifle, 1616
Pay of Officers in India, 785
Volunteer Commissions, 1088
Army—Colonels, Motion for a Committee, 1169
Ireland—Militia, The, 895

**CARLISLE, Bishop of**
Medical Act Amendment, Comm. *cl.* 18, 1201

**CARNARVON, Earl of**
Canada—Red River Territory, Motion for Papers, 1336
Irish Land, 2R. 362, 378; Comm. *cl.* 3, 772, 881; *cl.* 40, 1075

*Cattle Disease*
Questions, Mr. Gore Langton, Mr. Neville-Grenville, Sir Henry Selwin-Ibbetson; Answers, Mr. W. E. Forster *July* 7, 1617
*Importation of Cattle*, Question, Sir Henry Selwin-Ibbetson; Answer, Mr. W. E. Forster *June* 20, 493

**Cattle Diseases (Ireland) Bill**
(*Mr. Chichester Fortescue, Mr. Solicitor General for Ireland*)
*c.* Resolution agreed to, and reported; Bill ordered; read 1°* *June* 20 [Bill 174]
Read 2°* *June* 23
Committee*; Report *June* 27
Read 3°* *June* 28
*l.* Read 1ª* (*The Lord Clandeboye*) *June* 30
Read 2ª* *July* 4 (No. 171)
Committee*; Report *July* 5

**Cattle Stealing Bill**
(*Sir George Jenkinson, Mr. Staveley Hill, Mr. Pell, Mr. Wren-Hoskyns*)
*c.* Bill withdrawn* *July 5* [Bill 1]

Cave, Right Hon. S., *New Shoreham*
Elementary Education, Comm. *cl.* 7, 1033; Explanation, 1090; *cl.* 33, 1484; *cl.* 46, 1663; *cl.* 47, 1670; *cl.* 62, 1715
Gas for the Metropolis, 1625
Life Assurance Companies, Comm. *cl.* 3, 1171; *cl.* 4, Amendt. 1173; *cl.* 7, 1174, 1176, 1178; *cl.* 8, Amendt. 1180, 1181; *cl.* 10, 1182; *cl.* 11, 1183; *cl.* 12, 1184, 1186; *cl.* 20, 1188; *add. cl.* 1189

Cave, Mr. T., *Barnstaple*
Life Assurance Companies, Comm. *cl.* 5, Amendt. 1173; *cl.* 10, Amendt. 1182; *cl.* 12, Amendt. 1183, 1185; *cl.* 13, 1187; *add. cl.* 1189

Cavendish, Lord F. C., *Yorkshire, W.R., N. Div.*
Elementary Education, Comm. *cl.* 7, 1042, 1043; *cl.* 27, 1400; Amendt. 1420

Cavendish, Lord G. H., *Derbyshire, N.*
Life Assurance Companies, Comm. *cl.* 12, 1186
Turnpike Trusts, 1618

Cawley, Mr. C. E., *Salford*
Elementary Education, Comm. *cl.* 5, 1017, 1018; *cl.* 6, 1027; *cl.* 7, 1031; *cl.* 9, Amendt. 1219, 1220; *cl.* 10, 1227, 1229; *cl.* 18, Amendt. 1317; *cl.* 20, 1320; *cl.* 22, Amendt. 1321, 1322, 1323; *cl.* 26, Amendt. 1328; *cl.* 27, 1404, 1413; Amendt. 1417; *cl.* 33, 1487
Navy—Chatham Dockyard, 1212
Vagrancy—Rating of Public Buildings, 490

Cecil, Lord E. H. B. G., *Essex, W.*
Army—Death from Sunstroke on the March, 1001

*Census of* 1871—*Religious Denominations*
Question, Sir Frederick W. Heygate; Answer, Mr. Bruce *July* 4, 1356; Question, Sir John Pakington; Answer, Mr. Bruce *July* 8, 1711

Chambers, Mr. M., *Devonport*
Customs and Inland Revenue, Consid. *add. cl.* 309
Parliament—Sittings of the House, Res. 706

Chambers, Mr. T., *Marylebone*
Sunday Trading, 2R. 1583

Chancellor, The Lord (Lord Hatherley)
Attorneys and Solicitors Remuneration, 3R. Amendt. 1196
Benefices Resignation, Report, 1344
High Court of Justice, 3R. 317, 318, 319
[*cont.*

Chancellor, The Lord—*cont.*
Irish Land, 2R. 369; Comm. *cl.* 1, 748, 753; *cl.* 3, 769, 771, 875, 880; *cl.* 4, 956, 959, 962, 966; *cl.* 5, 981, 987; *add. cl.* 992; *cl.* 8, 996; *cl.* 13, 1060; *add. cl.* 1065; *cl.* 41, 1084; *cl.* 68, 1068; Report, *cl.* 68, 1455; 3R. Amendt. 1704; *cl.* 7, 1707
Judicial Committee of the Privy Council, Motion for an Address, 1288, 1299
Married Women's Property, 2R. 614
Prayer Book (Lectionary), 1331; 2R. 1602, 1612
Sligo and Cashel Disfranchisement, 2R. 1597, 1600

Chancellor of the Exchequer (Right Hon. R. Lowe), *London University*
Customs and Inland Revenue, Consid. *add. cl.* 306, 307, 308
Elementary Education, Comm. *cl.* 45, 1644
Gun Licences, Comm. 852; *cl.* 3, 853, 854; *cl.* 7, 855, 856
Ireland—Agricultural Returns, 1212
Licences for Horses Drawing Road Materials, 492
Metropolis—Zoological Gardens, 494
Metropolis—Thames Embankment, Motion for an Address, 1760, 1766
National Debt, Res. Amendt. 1505
Natural History Museum, 1361
Turkey—Fire at Constantinople, 1622

*Chancery, Court of*
Resolution (*Mr. G. B. Gregory*) [House counted out] *June* 24, 949
*Chancery, Accountant General in,* Question, Mr. Salt; Answer, Mr. Stansfeld *July* 8, 1712

**Charitable Funds Investment Bill**
(*Sir Roundell Palmer, Dr. Ball*)
*c.* Ordered; read 1°* *June* 16 [Bill 168]
Read 2°* *June* 28
Committee*; Report *June* 30
Considered*; Read 3° *July* 4
*l.* Read 1ª* (*The Lord Cairns*) *July* 5 (No. 181)

Chelmsford, Lord
Attorneys and Solicitors Remuneration, 3R. Amendt. 1196
Irish Land, Comm. *cl.* 4, 956; *cl.* 5, 979

Child, Sir S., *Staffordshire, W.*
Elementary Education, Comm. *cl.* 33, 1482

**Children, &c. Protection Bill** [H.L.]
(*The Marquess Townshend*)
*l.* Bill withdrawn, after short debate *July* 7, 1593 (No. 84)

*China*
*Brown, Mr. M'Leavy,* Question, Colonel Sykes; Answer, Mr. Otway *June* 16, 262
*Treaty with—Reported Massacres,* Question, Mr. Magniac; Answer, Mr. Otway *July* 7, 1624

**Churchwardens Liability Bill** [H.L.]
(*The Marquess of Salisbury*)
*l.* Report * *June* 17 (No. 101)
Read 3ª* *June* 30
*c.* Read 1°* *July* 5 [Bill 195]

*Civil Service Commissioners—Attendance of Candidates in Police Courts*
Question, Dr. Lush; Answer, Mr. Stansfeld *July* 8, 1710

Clancarty, Earl of
Irish Land, 2R. 349; Comm. *cl.* 3, 759; Amendt. 767, 775, 778, 873; *cl.* 4, 959; *add. cl.* 1053; *cl.* 12, 1054; Report, *cl.* 5, 1450; Amendt. 1451; 3R. 1695

Clanricarde, Marquess of
Canada—Red River Territory, Motion for Papers, 1331, 1336
Ireland—Cork, Disturbances at, 1303
Irish Land, Comm. *cl.* 3, Amendt. 758, 763, 764, 775, 776, 780, 874, 888; *cl.* 4, Amendt. 955; *cl.* 5, Amendt. 967, 988; *cl.* 13, Amendt. 1060; *cl.* 14, Amendt. 1061; *add. cl.* 1063; *cl.* 20, Amendt. 1067; Report, *cl.* 3, 1431, 1439; *cl.* 5, 1451; Amendt. 1455; 3R. Amendt. 1708
Medical Act Amendment, Report, 1350; 3R. Amendt. 1456
Sligo and Cashel Disfranchisement, 2R. 1598, 1601

*Clarendon, The Late Earl of*
Observations, Earl Granville; short debate thereon *June* 27, 950; Observations, Sir Henry Lytton-Bulwer *June* 27, 998

**Clerical Disabilities Bill**
(*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph*)
*c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 17, 448; Question put, "That the Debate be now adjourned" (*Mr. Cross*); A. 47, N. 99; M. 52
Question again proposed; Amendt. to leave out from "That" and add "the Bill be committed to a Select Committee" (*Mr. Beresford Hope*); Question proposed, "That the words, &c.;" Question put, "That the Debate be now adjourned" (*Mr. Arthur Guest*); A. 30, N. 74; M. 44
Question again proposed, "That the words, &c.;" Question put, "That this House do now adjourn" (*Mr. Pell*); A. 28, N. 73; M. 45
Question again proposed, "That the words, &c.;" Question put, "That the Debate be now adjourned" (*Mr. Raikes*); A. 24, N. 69; M. 45
Question again proposed, "That the words, &c.;" Question put, "That this House do now adjourn" (*Mr. Hodgson*); A. 24, N. 68; M. 44
Question again proposed, "That the words, &c.;" Question put, "That the Debate be now adjourned" (*Mr. Heygate*); A. 24, N. 68; M. 44
[*cont.*

*Clerical Disabilities Bill*—cont.
Question again proposed, "That the words, &c.;" Question put, "That this House do now adjourn" (*Mr. Starkie*); A. 24, N. 68; M. 44
Question again proposed, "That the words, &c.;" Question put, "That the Debate be now adjourned" (*Mr. Rowland Winn*); A. 24, N. 66; M. 42
Question again proposed, "That the words, &c.;" Question put, "That this House do now adjourn" (*Colonel Charles Lindsay*); A. 24, N. 66; M. 42
Question again proposed, "That the words, &c.;" Question put, "That the Debate be now adjourned" (*Mr. Finch*); A. 21, N. 66; M. 45
Question put, "That the words, &c.;" A. 70, N. 15; M. 55
Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P. [Bill 49]
Committee; Report *July* 7, 1692

Cleveland, Duke of
Benefices, 2R. 1341
Irish Land, Comm. *cl.* 3, 885
Married Women's Property, 2R. 619

Cloncurry, Lord
Irish Land, Comm. *cl.* 4, Amendt. 957; *cl.* 12, Amendt. 1054

Cochrane, Mr. A. D. W. Baillie, *Isle of Wight*
Metropolis—Thames Embankment, Motion for an Address, 1758, 1770

Colchester, Lord
Sligo and Cashel Disfranchisement, 2R. 1599

Coleridge, Sir J. D., *see* Solicitor General, The

Collier, Sir R. P., *see* Attorney General, The

Collins, Mr. T., *Boston*
Clerical Disabilities, Comm. 1692
Elementary Education, Comm. *cl.* 7, 1042, 1044, 1047, 1051; *cl.* 14, 1267; *cl.* 27, 1329
Metropolis—Thames Embankment, Motion for an Address, 1784
Parliament—Sittings of the House, Res. Amendt. 707, 712
Pilotage, Comm. 599
Representation of the People Act Amendment, 2R. Motion for Previous Question, 134
Sligo and Cashel Disfranchisement, 2R. 315

*Colonies*
Moved, "That an humble Address be presented to Her Majesty, to inform Her Majesty that this House has seen with great satisfaction the spontaneous expressions of loyalty and attachment to the British Crown which have lately emanated from many of the Colonies; and to pray that Her Majesty will be graciously pleased to appoint a Commission to
[*cont.*

*Colonies*—cont.
inquire into the means best fitted to guarantee the security of every part of Her Majesty's dominions" (*Earl Russell*) *June* 20, 451; after long debate, Motion withdrawn

*Competitive Examinations—Attendance of Candidates in Police Courts*
Question, Dr. Lush; Answer, Mr. Stansfeld *July* 8, 1710

**Consolidated Fund (£9,000,000) Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Resolution agreed to, and reported; Bill ordered; read 1° * *July* 5
Read 2° * *July* 6
Committee *; Report *July* 7
Read 3° * *July* 8

**Contagious Diseases Prevention (Metropolis) Bill** [H.L.] (*The Marquess Townshend*)
l. Presented; read 1ª * *June* 21 (No. 151)

Corbett, Colonel E., *Shropshire, S.*
Elementary Education, Comm. *cl.* 46, 1661
Medical Officers Superannuation, 2R. 726

**Coroners Bill**
(*Mr. Goldney, Mr. Walter, Mr. Thomas Chambers, Mr. Pease*)
c. Bill withdrawn * *June* 29 [Bill 42]

Corrance, Mr. F. S., *Suffolk, E.*
Elementary Education, Comm. *cl.* 7, Amendt. 1027, 1030; *cl.* 9, 1120; Amendt. 1214; *cl.* 26, Amendt. 1325, 1327; *cl.* 46, 1657; *cl.* 55, Amendt. 1674

*Corrupt Practices at Elections*
Moved, "That there be laid before this House, a Return of all expenses incurred by the Royal Commissions severally appointed during the year 1869 to inquire into the existence of Corrupt Practices at Elections in the City of Norwich, and the Boroughs of Beverley and Bridgwater" (*Mr. James Lowther*) *July* 5, 1546; after short debate, Debate adjourned

Courtown, Earl of
Irish Land, Comm. *cl.* 2, 757; *cl.* 12, Amendt. 1056; *cl.* 40, Amendt. 1069

*Courts of Justice, The New*
Question, Mr. W. H. Smith; Answer, Mr. Ayrton *June* 27, 1006

Cowen, Mr. J., *Newcastle-on-Tyne*
Gun Licences, Comm. *cl.* 7, Motion for reporting Progress, 856

Cowley, Earl
Clarendon, Late Earl of, 952

Cowper-Temple, Right Hon. W. F., *Hampshire, S.*
Elementary Education, Comm. 295, 648; *cl.* 7, 1043, 1108; *cl.* 14, 1276; *cl.* 27, 1402; Amendt. 1415; *cl.* 54, 1673; *cl.* 64, Amendt. 1715
Metropolis—Thames Embankment, Motion for an Address, 1778
Parochial Councils, Leave, 1131

Crawford, Mr. R. W., *London*
Cab Fares, 782
Customs and Inland Revenue, Consid. *add. cl.* 306
Metropolis—Thames Embankment, Motion for an Address, 1766

Crichton, Viscount, *Enniskillen*
Processions (Ireland), 2R. 1684

**Criminal Courts Procedure (Scotland) Bill** (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)
c. Bill withdrawn * *June* 20 [Bill 107]

Criminal Law
*Convict Prisons, Management of*, Question, Mr. Floyer; Answer, Mr. Bruce *June* 24, 893
*Criminal Lunatics*, Question, Mr. Buxton; Answer, Mr. Bruce *June* 20, 492
*Mathieu, B.A., Case of Daniel*, Question, Colonel Edwardes; Answer, Mr. Bruce *June* 16, 260
*Maw, George, Case of*, Question, Mr. Pease; Answer, Mr. Bruce *June* 23, 787
*Welsh Fasting Girl, Case of the*, Question, Mr. Jones; Answer, Mr. Stansfeld *July* 1, 1304

Cross, Mr. R. Assheton, *Lancashire, S.W.*
Clerical Disabilities, Comm. Motion for Adjournment, 448
Elementary Education, Comm. *cl.* 7, 1097; *cl.* 10, 1228, 1229; *cl.* 22, 1322; *cl.* 27, 1415, 1418, 1420; *cl.* 54, Amendt. 1672
Gun Licences, Comm. *cl.* 3, 855
Parliament—Sittings of the House, Res. 711
Parochial Councils, Leave, 1145

Cubitt, Mr. G., *Surrey, W.*
Elementary Education, Comm. *cl.* 8, 1116; *cl.* 46, 1667

**Curragh of Kildare Bill**
(*Mr. Chichester Fortescue, Mr. Solicitor General for Ireland*)
c. Ordered; read 1° * *June* 20 [Bill 175]
Read 2° * *June* 23
Committee *; Report *June* 30
Read 3° * *July* 4
l. Read 1ª * (*The Lord Clandeboye*) *July* 5 (No. 183)

*Custom House Clerks*
Question, Sir Henry Hoare; Answer, Mr. Stansfeld *July* 4, 1361

**Customs and Inland Revenue Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Considered *June* 16, 305 [Bill 156]
Read 3° * *June* 17
l. Read 1ª * (*The Marquess of Lansdowne*) *June* 20 (No. 146)

Dalrymple, Mr. D., *Bath*
Life Assurance Companies, Comm. *cl.* 20, 1188
Medical Officers Superannuation, 2R. 718
Supply—Foreign Office, 397
Privy Council Office, 403
Vaccination Act Repeal, 2R. 1591

Damer, Hon. Captain L. S. W. Dawson-, *Portarlington*
Metropolis—Leicester Square, 625

Dartrey, Earl of
Irish Land, Comm. *cl.* 1, Amendt. 746, 747; *cl.* 21, 1067

De Grey and Ripon, Earl (Lord President of the Council)
Benefices, 2R. 1342
Irish Land, Comm. *cl.* 3, 884; *cl.* 4, 965; *add. cl.* 1063; Report, *cl.* 3, 1438
Medical Act Amendment, Comm. *cl.* 2, Amendt. 1198; *cl.* 13, Amendt. *ib.*; *cl.* 17, 1199; *cl.* 18, 1200; Report, 1348, 1351; 3R. 1457

Denison, Right Hon. J. E. (*see* Speaker, The)

Denison, Mr. C. Beckett-, *Yorkshire, W. R., E. Div.*
East India Company, Motion for an Address, 1164

Denman, Lord
High Court of Justice, 3R. Amendt. 317
Irish Land, Comm. *cl.* 5, 988; *cl.* 40, 1073
Judicial Committee of the Privy Council, Motion for an Address, 1298

Dent, Mr. J. D., *Scarborough*
Army—Deaths from Sunstroke on March, 999
Elementary Education, Comm. *cl.* 5, 1012; *cl.* 7, 1044; *cl.* 10, 1229
Supply—Privy Council Office, 399

Derby, Earl of
Clarendon, Late Earl of, 952
Irish Land, 2R. 233; Comm. *cl.* 3, 770

De Ros, Lord
Irish Land, Comm. *cl.* 3, 866; *cl.* 5, 978

Dickinson, Mr. S. S., *Stroud*
Elementary Education, Comm. *cl.* 6, Amendt. 1027; *cl.* 7, Amendt. 1046
Extradition, 2R. 304

Dickson, Major A. G., *Dover*
Army—Cornet and Ensign, 265
East India Company, Motion for an Address, 1163

Dilke, Sir C. W., *Chelsea*
Army—Cavalry Barracks at Chelsea, 491
Elementary Education, Comm. 299, 510; *cl.* 5, Amendt. 1023, 1024; *cl.* 9, 1115; *cl.* 10, 1229; *cl.* 17, Amendt. 1314, 1317; *cl.* 27, 1329; Amendt. 1398, 1413, 1414
Metropolis—Thames Embankment, 1458

Dillwyn, Mr. L. L., *Swansea*
Art Catalogue, Universal, 624
Elementary Education, Comm. *cl.* 7, 1033
Pilotage, Comm. 597
Poaching Prevention Act Repeal, 2R. 1560
Supply—Home Department, 392
Offices of the House of Commons, 389
Privy Council Office, 404

Disraeli, Right Hon. B., *Buckinghamshire*
Elementary Education, Comm. 285, 299, 583; *cl.* 7, 1100; *cl.* 14, 1259; *cl.* 22, 1324; *cl.* 45, 1648
Parliament—Morning Sitting, 300
Public Business, 1369
Representation of the People Act Amendment, 2R. 176
Speaker, Mr., Absence of, 495

**Dividends and Stock (Ireland) Bill**
(*Mr. Stansfeld, Mr. Chancellor of the Exchequer*)
e. Read 2° * *June* 16 [Bill 158]
Committee *; Report *June* 20
Read 3° * *June* 23
l. Read 1ª * (*The Lord Clandeboye*) *June* 24
Read 2ª * *July* 7 (No. 159)

Dixon, Mr. G., *Birmingham*
Elementary Education, Comm. 293; Motion for Adjournment, 676, 788, 808; *cl.* 5, 1008, 1016; *cl.* 7, 1030, 1041; Amendt. 1044, 1046, 1047, 1050; *cl.* 10, Amendt. 1230; *cl.* 14, 1252; *cl.* 17, Amendt. 1308; *cl.* 19, 1318; *cl.* 26, 1327; *cl.* 27, Motion for reporting Progress, 1329, 1402, 1403; *cl.* 32, 1482; *cl.* 45, 1653; *cl.* 46, 1658; *cl.* 62, 1713

Dodson, Mr. J. G. (Chairman of the Committee of Ways and Means and Deputy Speaker), *Sussex, E.*
Brokers (City of London), 2R. 740
Elementary Education, Comm. *cl.* 27, 1414
Life Assurance Companies, Comm. *cl.* 3, 1171, 1172
Parliament—Sittings of the House, Res. 713
Representation of the People Act Amendment, 2R. 167

Downing, Mr. M'Carthy, *Cork Co.*
Processions (Ireland), 2R. 1685

DOWSE, Mr. R. (Solicitor General for Ireland), *Londonderry Bo.*
Dublin City Voters Disfranchisement, 2R. 1427
Processions (Ireland), 2R. 1689
Sligo and Cashel Disfranchisement, 2R. 309

**Drainage and Improvement of Lands (Ireland) Supplemental Bill**
(*The Lord Clandeboye*)
*l.* Read 2ª* *June* 20 (No. 57)
Committee *; Report *June* 21
Read 3ª* *June* 23
Royal Assent *July* 4 [33 & 34 *Vict.* c. 81]

**Drainage of Lands (Ireland) Provisional Order Confirmation Bill**
(*Mr. William Henry Gladstone, Mr. Stansfeld*)
*c.* Ordered; read 1º* *July* 8 [Bill 205]

*Dublin*
*Irwin, Mr. George, Corrupt Practices at Election,* Question, The O'Conor Don; Answer, Mr. Stansfeld *July* 4, 1353
*Representation of,* Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *June* 27, 998

**Dublin City Voters Disfranchisement Bill**
(*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*)
*c.* Ordered; read 1º* *June* 28 [Bill 184]
Bill read 2º, after short debate *July* 4, 1426

DUFF, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
East India Company, Motion for an Address, 1159
India—Questions, &c.
  Army Regulations, 99
  Brothers' Islands, The, 1358
  Cadets in the Indian Army, 895
  Great Indian Peninsula Railway Company, 1623, 1624
  Nawab Nazim of Bengal, 1358

DUFFERIN, Lord (Chancellor of the Duchy of Lancaster)
*Irish Land, 2R. 60; Comm. *cl.* 1, 746; *cl.* 3, 775, 776, 777, 863; *cl.* 4, 956; *cl.* 12, 1054, 1055; *cl.* 21, 1067; Report, *cl.* 3, 1433
Sligo and Cashel Disfranchisement, 2R. 1599, 1601

*Dulwich College*
Question, Colonel Beresford; Answer, The Attorney General *June* 23, 783

DUNSANY, Lord
Irish Land, 2R. 329; Comm. *cl.* 3, Amendt. 757; *cl.* 4, Amendt. 958, 960, 961, 963; *cl.* 5, Amendt. 967; *cl.* 12, Amendt. 1054, 1055; *add. cl.* 1057, 1058; *cl.* 41, 1083; *add. cl.* 1085; Report, *cl.* 3, 1433; *cl.* 5, 1451; *cl.* 68, 1455; 3R. *cl.* 5, Amendt. 1707
Sligo and Cashel Disfranchisement, 2R. 1597

DYNEVOR, Lord
Prayer Book (Lectionary), 2R. 1610

DYOTT, Colonel R., *Lichfield*
Elementary Education, Comm. *cl.* 40, 1488

*East India Company—The Late Indian Military Services*
Moved, "That an humble Address be presented to Her Majesty, praying that as the orders Her Majesty was graciously pleased to give for the redress of the grievances of the Officers of Her Majesty's late Indian Military Services, consequent upon an Address of the House of Commons, dated the 2nd day of May, 1865, have not been carried out, in the sense of the Address, owing to deductions being made from the bonâ fide claim of officers on the ground of accelerated promotion and on the ground of increased retired pensions, Her Majesty may be graciously pleased to direct a further consideration of the subject, with a view to the redress of the still unsatisfied claims" (*Colonel Sykes*) *June* 28, 1147; after debate, Question put; A. 113, N. 92; M. 21; Personal Explanation, Sir Stafford Northcote *June* 30, 1202
(See title *India—Colonels*)

**East India Contracts Bill**
(*Mr. Grant Duff, Mr. Stansfeld*)
*c.* Ordered; read 1º* *June* 29 [Bill 186]
Read 2º* *July* 1
Committee *; Report *July* 4
Read 3º* *July* 5
*l.* Read 1ª* (*The Lord Sundridge*) *July* 7 (No. 189)

EASTWICK, Mr. E. B., *Penryn, &c.*
Capital Sentences (Court of Appeal), 2R. 730
Greece—Murder of British Subjects, 264

EBURY Lord
Prayer Book (Lectionary), 2R. 1611

*Ecclesiastical Commissioners, Rules of the*
Question, Mr. M. T. Bass; Answer, Mr. Acland *June* 30, 1203

**Ecclesiastical Courts Bill** [H.L.] (No. 26)
(*The Earl of Shaftesbury*)
*l.* Moved, "That the Order for the Second Reading be discharged" *July* 5, 1428; Motion agreed to; Order discharged

**Ecclesiastical Dilapidations (No. 2) Bill** [H.L.] (*The Lord Archbishop of York*)
*l.* Read 2ª* *June* 17 (No. 114)
Committee* *June* 23
Committee* *June* 30 (No. 174)
Report* *July* 4
Read 3ª* *July* 7

**Ecclesiastical Titles Act Repeal Bill** [H.L.]
(*The Lord Privy Seal*)
*l.* Committee *July* 1, 1300 (No. 105)
Report * *July* 4 (No. 175)
Read 3ª * *July* 5

*Edmunds, Mr. Leonard, Case of*
Question, Sir James Elphinstone; Answer, Mr. Gladstone *June* 16, 264

*Education*
*Channel Islands, Education in the,* Question, Mr. Haviland-Burke; Answer, Mr. W. E. Forster *July* 7, 1623
*Educational Boards, Women on,* Question, Mr. P. A. Taylor; Answer, Mr. W. E. Forster *June* 16, 259
*Elementary Education Bill,* Question, Mr. Kennaway; Answer, Mr. W. E. Forster *June* 27, 998
*Revised Code, The—Clause* 51, Question, Colonel Brise; Answer, Mr. W. E. Forster *June* 30, 1210
*Universal Art Catalogue,* Question, Mr. Dillwyn; Answer, Mr. W. E. Forster *June* 21, 624

EDWARDES, Hon. Colonel W., *Haverfordwest*
Mathieu, Daniel, Case of, 260

EGERTON, Hon. Captain F., *Derbyshire, E.*
Ships "Bombay" and "Oneida," Res. 1545

EGERTON, Hon. A. F., *Lancashire, S.E.*
Elementary Education, Comm. *cl.* 5, 1021; *cl.* 54, 1673

EGERTON, Hon. Wilbraham, *Cheshire, Mid.*
Metropolis—Hyde Park—The Serpentine, 1616
Poaching Prevention Act Repeal, 2R. 1565

ELCHO, Lord, *Haddingtonshire*
Metropolis—Thames Embankment, Motion for an Address, 1784

**Elementary Education Bill**
(*Mr. W. E. Forster, Mr. Secretary Bruce*)
*c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Gladstone*) *June* 16, 266; after long debate, Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report [Bill 167]
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 20, 495
Amendt. to leave out from "That" and add "the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds" (*Mr. Henry Richard*); Question proposed, "That the words, &c.;" after long debate, Debate adjourned
[*cont.*

*Elementary Education Bill*—cont.
Debate resumed *June* 21, 626; after long debate, Debate further adjourned

Debate resumed *June* 23, 788; after long debate, Debate further adjourned
Debate resumed *June* 24, 895; after long debate, Question put; A. 421, N. 60; M. 361
Division List, Noes, 949
Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

Committee *June* 27, 1006
Clauses 1 and 2 agreed to
Clause 3 (Definitions), 1006
Clause 4 agreed to
Clause 5 (School district to have sufficient public schools), 1008
Clause 6 (Supply of schools in case of deficiency), 1025
Clause 7 (Regulations for conduct of public elementary schools), 1027—R.P.

Committee *June* 28, 1090
Clause 7 (Regulations for conduct of public elementary schools), 1090
Clause 8 (Determination by Education Department of deficiency of public school accommodation), 1113
Clause 9 (Notice by Education Department of public school accommodation required), 1120—R.P.

Committee *June* 30, 1214
Clause 9 (Notice by Education Department of public school accommodation required), 1214
Clause 10 (Formation of school Board and requisition to provide schools), 1223
Clause 11 (Provision of schools by school Board), 1235
Clauses 12 and 13 amended, and agreed to
Clause 14 (Management of school by school Board), 1236—R.P.

Committee *July* 1, 1307
Clauses 15 and 16 agreed to
Clause 17 (Fees of Children), 1307
Clause 18 (Maintenance by school Board of schools and sufficient school accommodation), 1317
Clause 19 (Powers of school Board for providing schools), 1317
Clause 20. Clause A. (Compulsory purchase of sites. Regulations as to the purchase of land compulsorily. Publication of Notices. Service of Notices. Petition to Education Department. No order valid until confirmed by Parliament. Costs how to be defrayed), 1320
Clause 21 agreed to
Clause 22 (Managers may transfer school to school Board), 1321
Clauses 23 to 25, inclusive, agreed to
Clause 26 (Establishment of industrial schools), 1324
Clause 27 (School Board), 1329—R.P.

Committee *July* 4, 1398
Clause 27 (School Boards), 1398
Clause 28 agreed to—R.P.
[*cont.*

*Elementary Education Bill*—cont.
Committee *July* 5, 1476
Clause 29 (Election of school Board), 1476
Clause 30 agreed to
Clause 31 (Disqualification of member of Board), 1480
Clause 32 (Appointment of officers), 1481
Clause 33 (Formation by Education Department of united districts), 1482
Clauses 34 to 39, inclusive, agreed to
Clause 40 (Small parish), 1488—R.P.

Committee *July* 7, 1625
Clause 45 (School fund of school Board), 1625
Clause 46 (Deficiency of school fund raised out of rates), 1654
Clause 47 (Apportionment of school fund in united and contributory district), 1670
Clause 48 agreed to
Clause 49 (Expense of providing school may be spread over thirty years), 1671
Clause 50 (Accounts to be made up and examined), 1671
Clause 51 (Audit in a borough), 1671
Clause 52 (Audit in a district not a borough), 1672
Clause 53 agreed to
Clause 54 (Publication of accounts), 1672
Clause 55 (Proceedings on default by school Board), 1673
Clauses 56 and 57 agreed to—R.P.

Committee *July* 8, 1713
Clauses 58 to 60, inclusive, agreed to
Clause 61 (Proceedings on default of authority to make Returns), 1713
Clause 62 (Inquiry by Inspectors of Education Department), 1713
Clause 63 agreed to
Clause 64 (Public inquiry), 1715
Clause 65 (Attendance of child at school), 1716—R.P.

Elphinstone, Sir J. D. H., *Portsmouth*
East India Company, Motion for an Address, 1167
Edmunds, Mr. L., Case of, 264
Navy—Admiralty Pension Branch, 1089
Pilotage, Comm. 597; Motion for Adjournment, 598
Ships "Bombay" and "Oneida," Res. 1534, 1540

Enfield, Viscount, *Middlesex*
Metropolis—Thames Embankment, Motion for an Address, 1756
Nazareth House, Hammersmith, 1205

**Evidence Further Amendment Act (1869) Amendment Bill**
(*The Lord Penzance*)
*l.* Read 2ª* *July* 8 (No. 75)

Ewing, Mr. H. E. Crum- *Paisley*
Life Assurance Companies, Comm. *cl.* 7, 1180

Exchequer, Chancellor of the, *see* Chancellor of the Exchequer

**Extradition Bill**
(*Mr. Attorney General, Mr. Solicitor General*)
*c.* Bill read 2°, after short debate *June* 16, 300 [Bill 138]
Committee; Report *July* 4, 1425

Eykyn, Mr. R., *Windsor*
Brokers (City of London), 2R. Motion for Adjournment, 740
Parliament—Public Business, 1365

Fawcett, Mr. H., *Brighton*
Elementary Education, Comm. *cl.* 5, 1022; *cl.* 7, 1044; *cl.* 8, 1118; *cl.* 10, 1231; *cl.* 27, 1420; *cl.* 65, 1741; Motion for Adjournment, 1762
Representation of the People Act Amendment, 2R. 172
University Tests, Consid. 1385

**Felony Bill** (*The Lord Westbury*)
*l.* Committee* *June* 21 (No. 90)
Report* *June* 24
Read 3ª* *June* 27
Royal Assent *July* 4 [33 & 34 *Vict.* c. 23]

**Feudal and Burgage Tenures Abolition (Scotland) Bill**
(*The Lord Advocate, Mr. Secretary Bruce*)
*c.* Bill withdrawn* *July* 7 [Bill 130]

Fielden, Mr. J., *Yorkshire, W.R., E. Div.*
Medical Officers Superannuation, 2R. Amendt. 719

Fingall, Earl of
Irish Land, Comm. *cl.* 40, 1076, 1077

Fitzgerald, Right Hon. Lord Otho (Comptroller of the Household), *Kildare Co.*
Public Schools, Her Majesty's Answer to Address, 676

Fitzmaurice, Lord E. G., *Calne*
University Tests, Consid. *cl.* 2, Amendt. 1391; 3R. 1472

Floyer, Mr. J., *Dorsetshire*
Convict Prisons, Management of, 893
University Tests, 3R. 1463

Forster, Right Hon. W. E. (Vice President of the Committee of Council on Education), *Bradford*
Art Catalogue, Universal, 625
Cattle Disease, 1617, 1618
Cattle, Importation of, 493
Education—Channel Islands, 1623
Revised Code, The, 1210
Educational Boards, Women on, 259

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Forster, Right Hon. W. E.—*cont.*
Elementary Education, Comm. 296, 299, 573, 629, 922, 999; *cl.* 3, 1006, 1007, 1008; *cl.* 5, 1013, 1016, 1017, 1018, 1020, 1023, 1024; *cl.* 6, Amendt. 1025, 1026, 1027; *cl.* 7, 1030, 1031, 1035, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1098, 1102, 1105, 1106; *cl.* 8, Amendt. 1113, 1115, 1116, 1118, 1119; *cl.* 9, 1121, 1218, 1219, 1221, 1222; *cl.* 10, 1223, 1224; Amendt. 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1234; *cl.* 11, Amendt. 1235; *cl.* 14, 1248, 1263, 1264, 1265, 1267, 1269, 1279; *cl.* 17, 1311, 1315; *cl.* 18, 1317; *cl.* 19, 1319; *cl.* 20, 1320; *cl.* 22, 1321, 1322, 1323; *cl.* 26, 1324, 1325, 1327, 1329; *cl.* 27, 1329, 1406, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1420; *cl.* 28, 1428; *cl.* 29, Amendt. 1476, 1478, 1479; *cl.* 31, 1480; *cl.* 32, 1481, 1482; *cl.* 33, 1483, 1485, 1486, 1487, 1488; *cl.* 45, 1489, 1494, 1634, 1648; *cl.* 46, 1656, 1658, 1659, 1660, 1663, 1665, 1666, 1669; *cl.* 47, 1671; *cl.* 54, 1673; *cl.* 55, 1674; *cl.* 61, Amendt. 1713, 1714, 1715, 1734, 1751
Supply—Privy Council Office, 398, 399, 400, 402, 405

Forster, Mr. C., *Walsall*
Ireland—Waterford Election Petition, 1209, 1306

Fortescue, Earl
Irish Land, Comm. *cl.* 3, 770; *add. cl.* 991, 1052; *cl.* 15, Amendt. 1064

Fortescue, Hon. Dudley F., *Andover*
Home and Colonial Offices, 1213

Fortescue, Right Hon. Chichester S. (Chief Secretary for Ireland), *Louth Co.*
Elementary Education, Comm. *cl.* 55, 1676
Ireland—Dublin, Representation of, 998
  Tipperary Workhouse, Troops in the, 263
  Waterford Election Petition, 1208
Ireland—Local Taxation, Motion for a Committee, 127
Processions (Ireland), 2R. 1677, 1684

Fothergill, Mr. R., *Merthyr Tydvil*
Supply—Foreign Office, 397
  Home Department, 391, 393
Unemployed Labour, Res. 443

Fowler, Mr. R. N., *Penryn, &c.*
Bible (Authorized Version), Motion for an Address, 119
Parliament—Public Business, 1367
Parliament—Sittings of the House, Res. 712
Pilotage, Comm. 598
Supply—Privy Council Office, 401, 404

Fowler, Mr. W., *Cambridge Bo.*
Brokers (City of London), 2R. 735, 740

French, Right Hon. Colonel F., *Ro common Co.*
Ireland—Militia, The, 895
  Waterford Election Petition, 1307
Ireland—Local Taxation, Motion for a Committee, 124, 125
Sligo and Cashel Disfranchisement, 2R. Amendt. 311
Supply—Foreign Office, 395
  Offices of the House of Commons, 386, 388
  Offices of the House of Lords, 384

*Friendly Societies*
Observations (*Mr. E. M. Richards*) *July* 8, 1786
Amendt. on Committee of Supply *July* 8, To leave out from "That" and add "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the existing state of the law relating to Friendly Societies" (*Mr. Evan Richards*), 1788; after short debate, Question, "That the words, &c.;" put, and negatived; words added; main Question, as amended, put, and agreed to

Galway, Viscount, *Retford* (*East*)
Friendly Societies, Motion for an Address, 1789
Poaching Prevention Act Repeal, 2R. Amendt. 1558

Garlies, Lord, *Wigtonshire*
Army Expenditure, 1613

**General Police and Improvement (Scotland) Supplemental Bill**
(*The Lord Advocate, Mr. Adam*)
*c.* Report * *June* 17 [Bill 173]
Re-comm. *; Report *June* 20
Read 3° * *June* 21
*l.* Read 1ª * ( (*The Earl of Morley*) *June* 23
Read 2ª * *July* 1 (No. 155)
Committee * Report *July* 4
Read 3ª * *July* 5
Royal Assent *July* 14 [33 & 34 *Vict.* c. 115]

Gilpin, Mr. C., *Northampton Bo.*
Life Assurance Companies, Comm. *cl.* 7, 1177, 1178; *cl.* 10, 1181
Parliament—Sittings of the House, Res. 704, 711, 713
Vaccination Act Amendment, 2R. 1591

Gladstone, Right Hon. W. E. (First Lord of the Treasury), *Greenwich*
Bible (Authorized Version), Motion for an Address, 112
East India Company, Motion for an Address, 1165
Edmunds, Mr. L., Case of, 264
Elementary Education, Comm. 266, 298, 849, 929; *cl.* 7, 1051, 1093, 1097, 1110; *cl.* 14, 1253, 1275, 1280, 1282; *cl.* 27, 1329, 1423; *cl.* 45, 1651; *cl.* 46, 1659, 1661; *cl.* 55, 1674, 1676; *cl.* 65, 1752
Ireland—Official Salaries, 1620
  Primary Education, 1206
Lord Privy Seal, Office of, 1621
Lords Spiritual, Leave, 688
Merchant Shipping Code, Comm. 1426

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Gladstone, Right Hon. W. E.—*cont.*
Metropolis—Thames Embankment, Motion for an Address, 1768
Navy—Retirement of Sir S. Robinson and Mr. Reed, 1003, 1005
Parliament—Questions, &c.
  Appropriation of Seats — Bridgwater and Beverley, 1613
  Business of the House, 264
  Morning Sitting, 300
  Public Business, 1365, 1368
Parliament—Sittings of the House, Res. 710, 713
Parliamentary Representation — Metropolis, 1359
Parochial Councils, Leave, 1142
Processions (Ireland), 2R. 1691
Representation of the People Act Amendment, 2R. 142
Ships "Bombay" and "Oneida," Res. 1539, 1540
Speaker, Mr., Absence of, 494
Supply—Civil Services, 851
  Offices of the House of Commons, 387
  Offices of the House of Lords, 384
University Tests, Consid. 1383, 1386, 1390, 1391, 1393, 1395

Gloucester and Bristol, Bishop of
Benefices, 2R. 1341
Palace of Westminster—St. Stephen's Crypt, Motion for an Address, 857, 859
Prayer Book (Lectionary), 2R. 1606
Sequestration, 3R. 954

Goldney, Mr. G., *Chippenham*
Brokers (City of London), 2R. 739
Elementary Education, Comm. 849; *cl.* 7, 1039; *cl.* 31, 1481; *cl.* 54, 1673
Life Assurance Companies, Comm. *cl.* 7, 1180; *cl.* 10, 1182; *cl.* 11, 1183
Parliament—Sittings of the House, Res, 712
Settled Estates, 2R. 740
Ships "Bombay" and "Oneida," Res. 1532
Supply—Home Department, 390, 393
  Offices of the House of Lords, 383
  Privy Council Office, 404

Goldsmid, Sir F. H., *Reading*
Supply—Foreign Office, 395

Gordon, Right Hon. E. S., *Glasgow, &c. Universities*
Elementary Education, Comm. 827
Life Assurance Companies, Comm. *cl.* 8, Amendt. 1180; *cl.* 10, Amendt. 1182
Medical Officers Superannuation, 2R. 723

Goschen, Right Hon. G. J. (Chief Commissioner of the Poor Law Board), *London*
Elementary Education, Comm. *cl.* 46, 1668; *cl.* 51, 1672
Local Taxation, 486
Medical Officers Superannuation, 2R. 720
Nazareth House, Hammersmith, 1205
Pilotage, Comm. 597
Poor Law, Returns of Pauperism, 1005
Unemployed Labour, Res. 424, 426, 447
Vagrancy—Rating of Public Buildings, 491

Gourley, Mr. E. T., *Sunderland*
India—Brothers' Islands, The, 1356
Pilotage, Comm. 597

Gower, Lord Ronald S. Leveson-, *Sutherlandshire*
India—Nawab Nazim of Bengal, 1358

Graham, Mr. W., *Glasgow*
Representation of the People Act Amendment, 2R. 162

Granard, Earl of
Irish Land, Comm. *cl.* 2, 756; 3R. 1698
Sligo and Cashel Disfranchisement, 2R. 1596, 1600

Granville, Earl (Secretary of State for the Colonies)
Benefices Resignation, 3R. 1694
Canada — Red River Territory, Motion for Papers, 1335
Clarendon, Late Earl of, 950
Colonies, Address for a Commission, 481
Irish Land, 2R. 4; Comm. 744; *cl.* 1, 745, 747, 749, 754; *cl.* 2, 756; *cl.* 3, 758, 769, 772, 774, 775, 776, 777, 779, 780, 781, 859, 860, 865, 869, 874, 876, 891, 892; *cl.* 4, 955, 956, 957, 958, 962, 963, 966; *cl.* 5, 967, 976; *add. cl.* 991, 992, 993; *cl.* 8, 994, 996, 997; *add. cl.* 1053; *cl.* 12, 1055, 1057; *add. cl.* 1058, 1059; *cl.* 14, 1061; *cl.* 21, 1068; *cl.* 24, 1069; *cl.* 40, 1074; *cl.* 41, 1080; *cl.* 54, 1085; *cl.* 66, *ib.*; *cl.* 68, 1086, 1087; Report, *cl.* 3, 1431; Amendt. 1432; *cl.* 5, Amendt. 1448; *add. cl.* 1452, 1455, 1456; 3R. 1702, 1703, 1704, 1706; *cl.* 5, 1707; *cl.* 7, *ib.*; *cl.* 14, 1708
Palace of Westminster—St. Stephen's Crypt, Motion for an Address, 359
Sequestration, 3R. 954

Graves, Mr. S. R., *Liverpool*
Navy—H.M.S. "Monarch" and "Captain," 1459
Ships "Bombay" and "Oneida," Res. 1537 1539

Gray, Colonel W., *Bolton*
University Tests, Consid. 1377

*Greece*
*Murder of British Subjects by Brigands*, Question, Mr. Eastwick; Answer, Mr. Otway *June* 16, 264

Greene, Mr. E., *Bury St. Edmunds*
Corrupt Practices at Elections, Motion for a Return, Motion for Adjournment, 1552
Gun Licences, Comm. 852
Parliament—Sittings of the House, Res. 711
Supply—Offices of the House of Commons, 388
University Tests, 3R. Amendt. 1460

Gregory, Mr. G. B., *Sussex, E.*
Capital Sentences (Court of Appeal), 2R. 733
Chancery, Court of, Res. 949
Life Assurance Companies, Comm. *cl.* 12, 1185; *cl.* 20, 1188

**Gregory**, Mr. W. H., *Galway Co.*
Processions (Ireland), 2R. 1687

**Greville**, Lord
Irish Land, 2R. 334; Comm. *cl.* 3, 759, 886
Sligo and Cashel Disfranchisement, 2R. 1599

**Grey**, Earl
Colonies, Address for a Commission, 472
Irish Land, 2R. 222, 228; Comm. *cl.* 3, 766, 771, 861, 882; *cl.* 4, 959, 965; *add. cl.* 990; *cl.* 8, 996; *cl.* 12, 1055; *add. cl.* 1058; *cl.* 40, Amendt. 1069; Report, *cl.* 3, 1429, 1440, 1456
Medical Act Amendment, Report, 1350

**Grey**, Right Hon. Sir G., *Morpeth*
Elementary Education, Comm. *cl.* 3, 1006; *cl.* 14, 1277; *cl.* 19, 1319; *cl.* 33, 1488
Navy—Retirement of Sir S. Robinson and Mr. Reed, 1003
Poaching Prevention Act Repeal, 2R. 1559, 1563
Representation of the People Act Amendment, 2R. 158

**Grosvenor**, Hon. Captain R. W., *Westminster*
Parliamentary Representation (Metropolis), 1359

**Guest**, Mr. A. E., *Poole*
Clerical Disabilities, Comm. Motion for Adjournment, 449
Supply—Privy Council Office, 404

**Guest**, Mr. M. J., *Youghal*
Ireland—Agricultural Returns, 1212
Post Office—Posting Trade Circulars in Belgium, 490
Sligo and Cashel Disfranchisement, 2R. 315

**Gun Licences Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
*c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 23, 852
Amendt. to leave out from "That," and add "this House will, upon this day three months, resolve itself into the said Committee" (*Mr. Taylor*); after short debate, Question put, "That the words, &c.;" A. 262, N. 41; M. 221; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P. [Bill 134]

**Gurney**, Right Hon. Russell, *Southampton*
Army—Military Punishments, 382
Elementary Education, Comm. 299
Gun Licences, Comm. *cl.* 7, Amendt. 856
Life Assurance Companies, Comm. *cl.* 7, 1177; *cl.* 11, 1183; *cl.* 20, 1188
Pilotage, Comm. 599

**Habitual Drunkards Bill**
(*Mr. Donald Dalrymple, Mr. Gordon, Mr. Pease*)
*c.* Ordered; read 1° * *July* 6 [Bill 197]

**Halifax**, Viscount
Irish Land, 2R. 213; Comm. *cl.* 1, 746; *cl.* 3, 763, 781, 863; *cl.* 4, 955
Judicial Committee of the Privy Council, Motion for an Address, 1293

**Hamilton**, Right Hon. Lord C., *Tyrone Co.*
Processions (Ireland), 2R. 1689

**Hamilton**, Lord C. J., *Lynn Regis*
Elementary Education, Comm. *cl.* 55, Motion for reporting Progress, 1674, 1676, 1677
King's Lynn Election, 1357

**Hamilton**, Lord G. F., *Middlesex*
Unemployed Labour, Res. 420, 426, 439

**Hanmer**, Sir J., *Flint, &c.*
Elementary Education, Comm. *cl.* 46, 1667
Supply—Home Department, 392

**Harcourt**, Mr. W. Vernon, *Oxford City*
Elementary Education, Comm. Motion for Adjournment, 291, 298, 299, 639; *cl.* 7, 1096; Amendt. 1102, 1105, 1110, 1112; *cl.* 8, 1115, 1118; *cl.* 9, Amendt. 1120, 1121, 1222; *cl.* 10, 1224; *cl.* 27, 1421; *cl.* 45, 1628, 1634, 1636; *cl.* 46, Amendt. 1654, 1659; *cl.* 62, Amendt. 1713, 1714
University Tests, Consid. 1381, 1383, 1387, 1391; 3R. 1465

**Hardcastle**, Mr. J. A., *Bury St. Edmunds*
Representation of the People Act Amendment, 2R. 129

**Hardy**, Right Hon. Gathorne, *Oxford University*
Elementary Education, Comm. 295, 518; *cl.* 3, 1007; *cl.* 5, 1024; *cl.* 6, 1025; *cl.* 7, 1039; *cl.* 8, 1116; *cl.* 10, Amendt. 1223, 1230; *cl.* 14, 1268; *cl.* 22, 1324; *cl.* 27, 1409, 1414; *cl.* 29, 1479, 1480; *cl.* 46, 1664; *cl.* 49, 1671; *cl.* 65, 1746
Friendly Societies, Motion for an Address, 1788
Parliament—Public Business, 1372
University Tests, Consid. 1390; 3R. 1461

**Hardy**, Mr. J., *Warwickshire, S.*
Representation of the People Act Amendment, 2R. 157, 179

**Hardy**, Mr. J. Stewart, *Rye*
Pilotage, Comm. 597, 599

**Harrowby**, Earl of
Irish Land, Comm. *cl.* 3, 780
Prayer Book (Lectionary), 2R. 1611

HARTINGTON, Right Hon. Marquess of (Postmaster General), *New Radnor*
Ireland—Post Office Telegraphic Communication, 489, 785
Post Office—Mails to India viâ Brindisi, 492
  Trade Circulars Posted in Belgium, 490
  Weight of Letters, 1358
  West of England Postal Service, 1459

HATHERLEY, Lord (see CHANCELLOR, The Lord)

HAY, Lord J. (Lord of the Admiralty), *Ripon*
Navy—Chatham Dockyard, 1212

HAY, Rear-Admiral Sir J. C. D., *Stamford*
Navy—Coals for the, 1304

*Hayti, British Merchants in*
Question, Mr. Anderson; Answer, Mr. Otway *July* 7, 1623

HEADLAM, Right Hon. T. E., *Newcastle-upon-Tyne*
Elementary Education, Comm. *cl.* 26, 1324
Life Assurance Companies, Comm. *cl.* 7, 1175

HENLEY, Lord, *Northampton Bo.*
Elementary Education, Comm. *cl.* 5, 1018; *cl.* 7, 1097

HENLEY, Right Hon. J. W., *Oxfordshire*
Bible (Authorized Version), Motion for an Address, 118
Elementary Education, Comm. 811
Gun Licences, Comm. *cl.* 3, 853, 854; *cl.* 7, 856
Medical Officers Superannuation, 2R. 721
Representation of the People Act Amendment, 2R. 178

HERBERT, Right Hon. Major-General Sir Percy E., *Shropshire, S.*
Army—Colonels, Motion for a Committee, 1169
East India Company, Motion for an Address, 1158

HERBERT, Hon. Auberon E. W. M., *Nottingham Bo.*
Elementary Education, Comm. *cl.* 5, 1022; *cl.* 7, 1043, 1051, 1108; *cl.* 17, 1313; *cl.* 27, 1418
University Tests, Consid. 1396

HERMON, Mr. E., *Preston*
Life Assurance Companies, Comm. *cl.* 7, 1179
Supply—Home Department, 394

HERON, Mr. D. C., *Tipperary Co.*
Ireland—Troops in the Tipperary Workhouse, 263

HERVEY, Lord A. H. C., *Suffolk, W.*
Elementary Education, Comm. *cl.* 14, Amendt. 1263, 1264

HEYGATE, Sir F. W., *Londonderry Co.*
Census of 1871—Religious Denominations, 1358
Elementary Education, Comm. *cl.* 55, 1674
Ireland—Primary Education, 1206
Municipal Franchise (Ireland), 1305
Processions (Ireland), 2R. 1686

HIBBERT, Mr. J. T., *Oldham*
Clerical Disabilities, Comm. 449; *cl.* 7, 1692
Elementary Education, Comm. 299, 822; *cl.* 5, 1011; *cl.* 6, 1027; *cl.* 7, 1036; *cl.* 8, Amendt. 1115; *cl.* 9, 1120, 1221; *cl.* 10, Amendt. 1223, 1229; *cl.* 14, Amendt. 1269; *cl.* 26, 1329; *cl.* 27, 1411; Amendt. 1415, 1417; *cl.* 29, 1480; *cl.* 46, 1657; *cl.* 50, Amendt. 1671; *cl.* 51, 1672; *cl.* 54, 1673
Parliament—Business of the House, 263
  Public Business, 1366
Representation of the People Act Amendment, 2R. 179
Supply—Home Department, 391
  Offices of the House of Commons, 389
Vaccination Act Amendment, 2R. 1592

**High Court of Justice Bill** [H.L.]
(*The Lord Chancellor*)
*l.* Moved, "That the Bill be now read $3^a$" *June* 17, 317
Amendt. to leave out ("now") and insert ("this day three months") (*The Lord Denman*); on Question, That ("now") &c.? resolved in the affirmative; Bill read $3^a$ (No. 135))
  Protest against the Third Reading, 319
*c.* Read $1^o$* *June* 24 [Bill 180]

HOARE, Sir H. A., *Chelsea*
Custom House Clerks, 1361
Elementary Education, Comm. *cl.* 5, 1020; *cl.* 45, Motion for reporting Progress, 1489, 1654
Kensington Road Improvement, 486, 488
Parliament—Public Business, 1368

HOLT, Mr. J. M., *Lancashire, N.E.*
Elementary Education, Comm. *cl.* 46, 1660

HOPE, Mr. A. J. Beresford, *Cambridge University*
Bible (Authorized Version), Motion for an Address, 120
Board of Works—Assistant Surveyor, 1364
Clerical Disabilities, Comm. Motion for a Select Committee, 448; *cl.* 7, 1692
Elementary Education, Comm. 546; *cl.* 7, 1036; *cl.* 8, 1119; *cl.* 10, 1233; *cl.* 14, 1251; *cl.* 27, 1405; *cl.* 46, 1665
Metropolis—Thames Embankment, Motion for an Address, 1763
Natural History Museum, 1361
Parochial Councils, Leave, 1137
University Tests, Consid. 1383, 1387, 1391

HORNBY, Mr. E. K., *Blackburn*
Unemployed Labour, Res. 442

HORSMAN, Right Hon. E., *Liskeard*
Elementary Education, Comm. 299, 914, 922
Home and Colonial Offices, 1213
University Tests, Consid. 1385, 1395

HOWARD, Mr. J., *Bedford*
Elementary Education, Comm. *cl.* 7, 1041, 1050
Metropolis Sewage, 1359

HUGHES, Mr. T., *Frome*
Parochial Councils, Leave, 1135
Sunday Trading, 2R. 1573

HUNT, Right Hon. G. W., *Northamptonshire, N.*
Elementary Education, Comm. *cl.* 33, 1485; *cl.* 46, 1658
Supply—Civil Services, 851
Offices of the House of Commons, 387, 389

ILLINGWORTH, Mr. A., *Knaresborough*
Elementary Education, Comm. *cl.* 7, 1044; *cl.* 27, 1418
National Debt, Res. 1512, 1513

**Inclosure Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1° * *July* 8 [Bill 206]

**Inclosure Amendment Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Bill withdrawn * *July* 4 [Bill 119]

INDIA
*Army Regulations*, Question, Colonel North; Answer, Mr. Grant Duff *June* 14, 99
*Brothers' Islands, The*, Question, Mr. Gourley; Answer, Mr. Grant Duff *July* 4, 1355
*Cadets in the Indian Army*, Question, Mr. Salt; Answer, Mr. Grant Duff *June* 24, 894
*Great Indian Peninsula Railway Company*, Questions, Sir Stafford Northcote, Mr. J. B. Smith; Answers, Mr. Grant Duff *July* 7, 1623
*Nawab Nazim of Bengal*, Question, Lord Ronald Gower; Answer, Mr. Grant Duff *July* 4, 1358
*Pay of Officers in*, Question, Mr. Stacpoole; Answer, Mr. Cardwell *June* 23, 785
(See titles *Army—Colonels*
*East India Company—The late Indian Military Services*)

IRELAND
*Agricultural Returns*, Question, Mr. Montague Guest; Answer, The Chancellor of the Exchequer *June* 30, 1212
*Cork, Disturbances at*, Question, The Duke of Buckingham; Answer, The Earl Spencer; short debate thereon *July* 1, 1302
*Dublin, Representation of*, Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *June* 27, 998—*Irwin, Mr. George, Corrupt Practices at Election*, Question, The O'Conor Don; Answer, Mr. Stansfeld *July* 4, 1353
*Irish Militia*, Question, Colonel French; Answer, Mr. Cardwell *June* 24, 895
*Official Salaries*, Question, Mr. Plunket; Answer, Mr. Gladstone *July* 7, 1620
*Primary Education*, Question, Sir Frederick W. Heygate; Answer, Mr. Gladstone *June* 30, 1206

IRELAND—cont.
*Telegraphic Communication*, Question, Mr. Stacpoole; Answer, The Marquess of Hartington *June* 20, 488; *June* 23, 785
*The Irish Society—Landing Pier at Culmore*, Question, Mr. Maguire; Answer, Mr. Alderman W. Lawrence *June* 30, 1208
*Waterford Election Petition*, Questions, Mr. Chichester Fortescue, Mr. Bouverie; Answers, Mr. Matthews, Mr. C. Forster *June* 30, 1208

*Ireland—Local Taxation*
Moved, "That a Select Committee be appointed to inquire into the increase, during the last thirty-three years, of Local Taxation in Ireland, and report in what manner it may be diminished, and how far its incidence may be more equitably distributed" (*Colonel French*) *June* 14, 124; after short debate, Motion withdrawn

**Irish Land Bill**
(*The Earl Granville*)
*l.* Moved, "That the Bill be now read 2ª" *June* 14, 4
After debate, Amendt. to leave out ("now") and insert ("this day six months") (*The Lord Oranmore and Browne*), 48; after further debate, Debate adjourned
Debate resumed *June* 16, 183; after long debate, Debate further adjourned
Debate resumed *June* 17, 322; after short debate, Bill read 2ª (No. 122)
Protest against the Second Reading, 381

Moved, "That the House do now resolve itself into Committee" *June* 23, 741; after short debate, Motion agreed to; Committee
[*Part I. Law of Compensation to Tenants*]
*Claim to Compensation*
Clause 1 (Legality of Ulster tenant-right custom), 745
Clause 2 (Legality of tenant custom other than Ulster custom), 755
Clause 3 (Compensation in absence of custom), 757
Division Lists, Conts. and Not-Conts. 766, 772

Committee *June* 24, 859
Clause 3 (Compensation in absence of custom) again read, 859
Division List, Cont. and Not-Cont. 889

Committee *June* 27, 954
Clause 4 (Compensation in respect of improvements. Exception of certain improvements. Exception of certain tenancies)
Clause 5 (Presumption in respect of improvements), 967
Division List, Cont. and Not-Cont.
Clause 6 (Compensation in respect of payment to incoming tenant), 988
Clause 7 (Compensation in respect of crops) agreed to
Clause 8 (Limitation as to disturbance in holding), 993
Clause 9 (Exception in case of lands required for labourers' cottages), 997

*Irish Land Bill*—cont.
Committee *June* 28, 1052
Clause 10 (Derivative title of tenant), 1053
Clause 11 (Partial exemption of certain tenancies), 1053
Clause 12 (Exemption of certain lands), 1060
*Proceedings in respect of Claims.*
Clause 13 (Proceedings by tenant), 1060
Clause 14 (Proceedings by landlord), 1061
Clause 15 (Equities between landlord and tenant), 1064
Clause 17 (Restriction on eviction of tenant), 1066
*Court to award Compensation.*
Clause 18 (Court to mean Civil Bill Court, or the Court of Arbitration), 1066
Clause 19 (Civil Bill Court), 1066
Clause 20 (Appeal from Civil Bill Court), 1067
Clause 21 (Court of Arbitration) agreed to
*Powers of Limited Owners.*
Clauses 22 and 23 agreed to
Clause 24 (Power of limited owner to lease), 1068
Clauses 25 to 27, inclusive, agreed to
[*Part* II. *Sale of Land to Tenants*]
Clauses 28 to 37, inclusive, agreed to
[*Part* III. *Advances by and Powers of Board*]
Clauses 38 and 39 agreed to
Clause 40 (Advances to tenants for purchase of holdings), 1069
Clause 41 (Advances of tenants for purchases of holdings in Landed Estates Court), 1079
Clause 42 (Landed Estates Court to afford facilities for purchase by occupying tenants), 1084
[*Part* IV. *Supplemental Provisions*]
Clauses 43 to 52, inclusive, agreed to
Clauses 53 to 60 [*As to legal Proceedings and Court*]
Clause 53 (Duty on notice to quit) agreed to, with an Amendment, 1084
Clause 54 (Regulations as to notice to quit), 1085
[*Part* V. *Miscellaneous*]
Clauses 55 to 65, inclusive, agreed to
Clause 66 (Distress), 1085
Clause 67 (General definitions) agreed to, 1086
Clause 68 (Special definitions), 1086
Clauses 69 and 70 agreed to, 1087 (No. 168)

Report *July* 5, 1428
Clause 1 (Legality of Ulster tenant-right custom), 1428
Clause 3 (Compensation in absence of custom), 1428
Division List, Cont. and Not.-Cont. 1444
Clause 5 (Presumption in respect of improvements), 1448
Clause 7 (Compensation in respect of payment to incoming tenant), 1451
Clause 10 (Exception in case of lands required for labourers' cottages), 1452
Clause 19 (Restriction on eviction of tenant), 1453
Clause 68 (Special definitions), 1454 (No. 184)
Protest against the Report

[*cont.*

*Irish Land Bill*—cont.
Bill read $3^{a}$, after short debate *July* 8, 1695; after further debate, Moved, That the Bill do pass? objected to; on Question, agreed to; Bill passed

JENKINSON, Sir G. S., *Wiltshire, N.*
Capital Sentences (Court of Appeal), 2R. 727, 735
Turnpike Trusts, 1619

JERVIS, Colonel H. J. W., *Harwich*
East India Company, Motion for an Address, 1162

JESSEL, Mr. G., *Dover*
Elementary Education, Comm. *cl.* 27, 1422

**Jewish United Synagogues Bill**
(*The Lord President*)
*l.* Read $1^{a}$* *June* 14 (No. 137)
Read $2^{a}$* *June* 17
Committee*; Report *June* 23
Read $3^{a}$* *June* 24
Royal Assent *July* 14 [33 & 34 *Vict.* c. 116]

JOHNSTON, Mr. A., *Essex, S.*
Parliament—Business of the House, Res. 1554
Poaching Prevention Act Repeal, 2R. 1566

JOHNSTON, Mr. W., *Belfast*
Elementary Education, Comm. *cl.* 55, 1675
Municipal Franchise (Ireland), 1305
Processions (Ireland), 2R. Amendt. 1681

**Joint Stock Companies' Arrangement Bill**
(*Mr. Henry B. Sheridan, Mr. Serjeant Simon, Mr. Brogden*)
*c.* Read $2^{o}$* *June* 22 [Bill 143]

JONES, Mr. J., *Carmarthenshire*
Welsh Fasting Girl, Case of the, 1304

*Judicial Committee of the Privy Council*
Moved, "That an humble Address be presented to Her Majesty praying that immediate provision may be made for the more rapid despatch of business before the Judicial Committee" (*The Lord Westbury*) *July* 1, 1283; after debate, Motion withdrawn

**Juries Bill**
(*Viscount Enfield, Mr. Denman, Mr. Headlam*)
*c.* Report of Select Committee* *June* 27
Committee*—R.P. *July* 6 [Bill 182]
Re-comm.*; Report *July* 7

KAY-SHUTTLEWORTH, Mr. U. J., *Hastings*
Elementary Education, Comm. *cl.* 9, 1220

KEKEWICH, Mr. S. T., *Devonshire, S.*
Poor Law—Returns of Pauperism, 1005

KENNAWAY, Mr. J. H., *Devonshire, E.*
Elementary Education, 998; Comm. *cl.* 46, Amendt. 1661, 1667

*Kensington Road Improvement Bill*
Question, Sir Henry Hoare; Answer, Mr. Ayrton *June* 20, 486; Question, Viscount Milton; Answer, Mr. Ayrton *June* 22, 714

Kimberley, Earl of (Lord Privy Seal)
Ecclesiastical Titles Act Repeal, Comm. 1301
Irish Land, 2R. 83, 89; Comm. *cl.* 3, 758, 770, 771, 774, 776, 777, 778, 877; *cl.* 4, 956, 957, 959, 960, 964, 966; *cl.* 5, 986; *cl.* 6, 993; *cl.* 12, 1054, 1055, 1057; *cl.* 40, 1069; *cl.* 42, 1084; Report, *cl.* 3, Amendt. 1429, 1430; *cl.* 10, 1452; *cl.* 19, 1453; *cl.* 42, 1454; 3R. 1703, 1708
Pier and Harbour Orders Confirmation, Comm. 622, 624

King, Hon. P. J. Locke, *Surrey, E.*
Lords Spiritual, Leave, 681

*King's Lynn Election*
Question, Lord Claud John Hamilton; Answer, Mr. Bruce *July* 4, 1357

Kinnaird, Hon. A. F., *Perth*
Bible (Authorized Version), Motion for an Address, 121
Parliament—Appropriation of Seats—Bridgwater and Beverley, 1613
Parliament—Sittings of the House, Res. 712

Knight, Mr. F. W., *Worcestershire, W.*
Life Assurance Companies, Comm. *cl.* 18, 1187

Knightley, Sir R., *Northamptonshire, S.*
Elementary Education, Comm. 849; *cl.* 5, 1018; *cl.* 9, 1223; *cl.* 65, 1745

Knox, Hon. Colonel W. Stuart, *Dungannon*
Elementary Education, Comm. *cl.* 55, 1676
Processions (Ireland), 2R. 1690

Lambert, Mr. N. G., *Buckinghamshire*
National Debt, Res. 1494
National Gallery—Turner Collection, 382

Langton, Mr. W. H. P. Gore-, *Somersetshire, W.*
Cattle Disease, 1617

Lansdowne, Marquess of (Lord of the Treasury)
Irish Land, 2R. 358; *cl.* 5, 980

**Larceny Advertisements Bill**
(*Mr. Attorney General, Mr. Solicitor General*)
*c.* Read 2° * *June* 16 [Bill 159]
Committee *; Report *June* 20
Read 3° * *June* 23
*l.* Read 1ª * (*The Lord Chancellor*) *June* 24 (No. 158)

Lawrence, Alderman Sir J. C., *Lambeth*
Customs and Inland Revenue, Consid. *add. cl.* 309
Life Assurance Companies, Comm. *cl.* 11, 1183
Unemployed Labour, Res. 447

Lawrence, Mr. Alderman W., *London*
Customs and Inland Revenue, Consid. *add. cl.* 305, 306, 308, 309
Ireland—Landing Pier at Culmore, 1208
Metropolis—Thames Embankment, Motion for an Address, 1782
National Debt, Res. 1510
Sale of Liquors on Sunday, 2R. Amendt. 1194
Supply—Office of the House of Commons, 390

Lawson, Sir W., *Carlisle*
Lords Spiritual, Leave, 686

Leatham, Mr. E. A., *Huddersfield*
Elementary Education, Comm. *cl.* 65, 1722

Lefevre, Mr. J. G. Shaw (Secretary to the Board of Trade), *Reading*
Gas for the Metropolis, 1625
Life Assurance Companies, Comm. *cl.* 3, 1172; *cl.* 5, 1173; *cl.* 7, 1175, 1176, 1179; *cl.* 11, 1183; *cl.* 20, 1188; *add. cl.* 1189
Merchant Shipping Code, Comm. 1426
Pilotage, Comm. 596, 598, 599
Ships "Bombay" and "Oneida," Res. 1524, 1534, 1539
Supply—Privy Council, Salaries, 407

Leitrim, Earl of
Irish Land, 2R. 46, 338, 343; Comm. *cl.* 2, 757, 763, 771, 777, 874; *cl.* 4, Amendt. 959, 962; *cl.* 6, Amendt. 993; *add. cl.* 1053; *cl.* 10, 1054; *cl.* 12, 1056, 1087; 3R. 1704; *cl.* 74, Amendt. 1709

Lewis, Mr. Harvey, *Marylebone*
Metropolis—Park Keepers in Regent's Park, 1621

Lewis, Mr. John D., *Devonport*
Capital Sentences (Court of Appeal), 2R. Amendt. 730

Lichfield, Earl of
Irish Land, 2R. 343; Comm. *cl.* 2, 757; *cl.* 3, Amendt. 768, 769, 771, 772, 780, 867, 874; Amendt. 875; *cl.* 4, 961
Medical Act Amendment, Comm. 1201; Report, *add. cl.* 1347, 1352

Lichfield, Bishop of
Prayer Book (Lectionary), 2R. 1612

Liddell, Hon. H. G., *Northumberland, S.*
Elementary Education, Comm. 297; *cl.* 3, Amendt. 1007; *cl.* 7, 1034; *cl.* 8, 1113; *cl.* 9, 1221; *cl.* 26, 1326; *cl.* 29, 1478; *cl.* 45, 1493, 1644; *cl.* 65, 1717
National Debt, Res. 1513
Supply—Home Department, 390, 392

**Life Assurance Companies Bill**
(*Mr. Stephen Cave, Sir Thomas Bazley, Mr. Russell Gurney*)
*c.* Committee; Report *June* 29, 1170 [Bill 2]
Considered * *July* 4
Read 3° * *July* 5
*l.* Read 1ª * (*The Duke of Richmond*) *July* 7 (No. 190)

Lifford, Viscount
Irish Land, 2R. 53; Comm. *cl.* 3, 862, 881; *cl.* 5, 975; *cl.* 12, Amendt. 1057; *cl.* 21, Amendt. 1067

Limerick, Earl of
Irish Land, Comm. *cl.* 2, Amendt. 755, 757, 862; *cl.* 6, Amendt. 993; *cl.* 12, 1056; *cl.* 21, Amendt. 1068; *cl.* 42, Amendt. 1084; Report, *cl.* 3, 1434; *cl.* 19, 1453; 3R. *cl.* 7, Amendt. 1707

Lincoln, Bishop of
Prayer Book (Lectionary), 2R. 1610

Lindsay, Colonel R. J. Loyd, *Berkshire*
Army Enlistment Act, 786
Representation of the People Act Amendment, 2R. 179

**Liverpool Admiralty District Registrars Bill** (*Mr. Graves, Viscount Sandon, Mr. Rathbone*)
*c.* Re-comm. *; Report *June* 20 [Bill 164]
Read 3° * *June* 28
*l.* Read 1ª * (*The Lord Cairns*) *June* 30 (No. 170)

Llandaff, Bishop of
Prayer Book (Lectionary), 2R. 1611

**Local Government Supplemental Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Read 2° * *June* 16 [Bill 153]
Committee *; Report *June* 17
Read 3° * *June* 20
*l.* Read 1ª * (*The Earl of Morley*) *June* 21
Read 2ª * *July* 1 (No. 150)
Committee *; Report *July* 4
Read 3ª * *July* 5
Royal Assent *July* 14 [33 & 34 *Vict.* c. 114]

**Local Government Supplemental (No. 2) Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1° * *June* 16 [Bill 171]
Read 2° * *June* 20
Committee *—r.p. *June* 27
Referred to Select Committee * *June* 28

**Local Government Supplemental (No. 3) Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered; read 1° * *June* 29 [Bill 188]
Read 2° * *July* 4

*Local Taxation*
Question, Sir Massey Lopes; Answer, Mr. Goschen *June* 20, 486

Locke, Mr. J., *Southwark*
Metropolis—Thames Embankment, Motion for an Address, 1774

**Lodgers' Goods Protection Bill** (*Mr. Henry B. Sheridan, Mr. Holms, Mr. Staveley Hill*)
*c.* Read 2° * *June* 22 [Bill 96]
Committee *; Report *June* 29

Longford, Earl of
Irish Land, Comm. *cl.* 1, 745; *cl.* 3, 771, 862, 879, 892; *cl.* 12, Amendt. 1057; *cl.* 13, 1060; Report, *cl.* 3, 1431, 1432; *cl.* 5, 1449; 3R. Amendt. 1703

Lopes, Sir M., *Devonshire, S.*
Elementary Education, Comm. 299; *cl.* 45, Amendt. 1489, 1653; *cl.* 46, 1660
Local Taxation, 486

Lopes, Mr. H. C., *Launceston*
Capital Sentences (Court of Appeal), 2R. 733

*Lord Privy Seal, Office of*
Question, Mr. J. White; Answer, Mr. Gladstone *July* 7, 1620

**Lords Spiritual Bill**
*c.* Motion for Leave (*Mr. Somerset Beaumont*) *June* 21, 670; after debate, Question put; A. 102, N. 158; M. 56
Division List, Ayes and Noes, 702

Lowe, Right Hon. R. (see Chancellor of the Exchequer)

Lowther, Mr. J., *York City*
Bridgwater Commissioners, The, 894
Corrupt Practices at Elections, Motion for a Return, 1546
Dublin City Voters Disfranchisement, 2R. 1427
Elementary Education, Comm. *cl.* 65, 1739

Lubbock, Sir J., *Maidstone*
Elementary Education, Comm. *cl.* 14, Amendt. 1270
National Debt, Res. 1511

Lucan, Earl of
Irish Land, 2R. 20; Comm. 742

Lurgan, Lord
Irish Land, 2R. 53; Motion for Adjournment, 258, 322

Lush, Dr. J. A., *Salisbury*
Civil Service Commissioners, 1710
Post Office—West of England Postal Service, 1459

Lusk, Mr. Alderman A., *Finsbury*
Life Assurance Companies, Comm. *cl.* 12, 1186
Supply—Privy Council Office, 398, 405

Lyveden, Lord
Married Women's Property, 2R. 617
Sligo and Cashel Disfranchisement, 2R. 1601

McARTHUR, Mr. W., *Lambeth*
Elementary Education, Comm. 673 ; *cl.* 7, 1050, 1051 ; *cl.* 33, 1488

MACFIE, Mr. R. A., *Leith, &c.*
Bible (Authorized Version), Motion for an Address, 122
National Debt, Res. 1511
Parliament—Public Business, 1365

McLAREN, Mr. D., *Edinburgh*
Elementary Education, Comm. *cl.* 26, 1328 ; *cl.* 27, 1411 ; *cl.* 46, 1661
Ireland—Local Taxation, Motion for a Committee, 127
Life Assurance Companies, Comm. *cl.* 4, 1172 ; *cl.* 7, 1174, 1177 ; *cl.* 10, 1181 ; *cl.* 11, 1182
Sunday Trading, 2R. 1582
Supply—Home Department, 390
  Offices of the House of Commons, 387
  Privy Council Office, 403

**Magistrates, &c. Election (Scotland) Bill**
(*The Lord Advocate, Mr. Secretary Bruce*)
*c.* Ordered ; read 1° * *June* 21 [Bill 177]
Read 2° * *June* 30
Committee * ; Report *July* 4
Read 3° * *July* 5
*l.* Read 1ª * (*The Earl of Morley*) *July* 7 (No. 187)

**Magistrates in populous Places (Scotland) Bill** (*Mr. Carnegie, Sir Edward Colebrooke, Mr. Orr Ewing*)
*c.* Read 3° * *June* 16 [Bill 121]
*l.* Read 1ª * (*The Earl of Airlie*) *June* 17 (No. 143)
Read 2ª * *July* 5
Committee * ; Report *July* 7

MAGNIAC, Mr. C., *St. Ives*
China — Treaty with — Reported Massacres, 1624, 1625
Clarendon, Late Earl of, 998
Elementary Education, Comm. *cl.* 7, 1110 ; *cl.* 10, 1230

MAGUIRE, Mr. J. F., *Cork City*
Corrupt Practices at Elections, Motion for a Return, 1553
Ireland—Landing Pier at Culmore, 1208
Medical Officers Superannuation, 2R. 727
Prison Ministers and Prison Acts, 1363
Processions (Ireland), 2R. 1691

MAHON, Viscount, *Suffolk, E.*
Elementary Education, Comm. *cl.* 45, 1493

MALMESBURY, Earl of
Irish Land, Comm. *cl.* 3, 876 ; *add. cl.* 1058 ; *cl.* 40, 1076, 1078

MANCHESTER, Duke of
Irish Land, Comm. *cl.* 1, 748, 779, 781 ; *add. cl.* 1058 ; Report, *add. cl.* 1453 ; 3R. 1703

MANNERS, Right Hon. Lord J. J. R., *Leicestershire, N.*
Elementary Education, Comm. 846 ; *cl.* 7, 1034 ; *cl.* 10, 1227 ; *cl.* 14, 1246 ; *cl.* 27, 1420 ; *cl.* 29, 1477 ; *cl.* 55, 1673, 1675 ; *cl.* 62, 1715
Metropolis—Thames Embankment, Motion for an Address, 1777
Processions (Ireland), 2R. 1691
University Tests, Consid. 1379, 1391

MARLBOROUGH, Duke of
Benefices, 2R. 1336, 1338, 1341, 1342
Irish Land, Comm. *cl.* 2, 757 ; *cl.* 4, 956 ; *add. cl.* 992 ; Report, *cl.* 3, 1430, 1442

**Married Women's Acknowledgments Bill**
(*Mr. Dodds, Mr. Goldney*)
*c.* Bill withdrawn * *July* 7 [Bill 43]

**Married Women's Property Bill**
(*The Lord Cairns*)
*l.* Bill read 2ª, and referred to a Select Committee, after debate *June* 21, 600 (No. 125)
Committee nominated *July* 4 ; List of the Committee, 622

MARTIN, Mr. P. Wykeham, *Rochester*
Elementary Education, Comm. *cl.* 27, 1418, 1421
Pilotage, Comm. 597

MATTHEWS, Mr. H., *Dungarvan*
Ireland—Waterford Election Petition, 1208, 1305

MEATH, Earl of
Irish Land, Comm. *cl.* 3, 759

**Medical Act (1858) Amendment Bill**
(*The Lord President*)
*l.* Re-comm. *June* 30, 1197 (Nos. 93-173)
Report *July* 4, 1347
Moved, "That the Bill be now read 3ª" *July* 5, 1456
Amendt. to leave out ("now,") and insert ("this day three months") (*The Marquess of Clanricarde*) ; after short debate, on Question, That ("now,") &c. ; resolved in the affirmative ; Bill read 3ª

**Medical Officers Superannuation Bill**
(*Mr. Brady, Sir Henry Hoare, Mr. Brodrick, Mr. Clay*)
*c.* Moved, "That the Bill be now read 2°" *June* 22, 717
Amendt. to leave out "now" and add "upon this day six months" (*Mr. Joshua Fielden*) ; after short debate, Question put, "That 'now,' &c. ;" A. 139, N. 28 ; M. 111 ; main Question put, and agreed to ; Bill read 2° [Bill 70]
Committee * ; Report *June* 27
Considered * *June* 28
Read 3° * *June* 29
*l.* Read 1ª * (*The Marquess of Salisbury*) *June* 30 (No. 169)

*Medical Officers* (*West Coast of Africa*)
Observations, Mr. Raikes [House counted out] *June* 14, 128

Mellor, Mr. T. W., *Ashton-under-Lyne*
Medical Officers Superannuation, 2R. 720
Supply—Foreign Office, 396

Melly, Mr. G., *Stoke-upon-Trent*
Elementary Education, Comm. 534; *cl.* 7, 1033; *cl.* 9, 1221; *cl.* 10, 1227; *cl.* 26, 1327; *cl.* 27, 1403, 1417, 1420; *cl.* 29, 1479; *cl.* 31, Amendt. 1480; *cl.* 45, 1626
Metropolis—Thames Embankment, Motion for an Address, 1775
Trades Unions, 99

**Merchant Shipping Code Bill** [Bill 24]
(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld*)
*c.* Order for Committee read *July* 4, 1426; after short debate, Committee deferred

Metropolis
*Cab Fares*, Question, Mr. Crawford; Answer, Mr. Bruce *June* 23, 782
*Gas for the Metropolis*, Question, Mr. Stephen Cave; Answer, Mr. Shaw Lefevre *July* 7, 1625
*Leicester Square*, Question, Captain Dawson-Damer; Answer, Mr. Ayrton *June* 21, 625
*Metropolis Sewage*, Question, Mr. J. Howard; Answer, Mr. Ayrton *July* 4, 1359
*Parliamentary Representation*, Question, Captain Grosvenor; Answer, Mr. Gladstone *July* 4, 1359
*Thames Embankment, Chelsea*, Question, Sir Charles W. Dilke; Answer, Sir William Tite *July* 5, 1458
*Thames Embankment*, Amendt. on Committee of Supply *July* 5, To leave out from "That" and add "an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis" (*Mr. William Henry Smith*), 1752; Question proposed, "That the words, &c;" after long debate, A. 106; N. 156; M. 50; words added; main Question, as amended, put, and agreed to

*The Parks*
*Hyde Park—The Serpentine*, Question, Mr. Strutt; Answer, Mr. Ayrton *June* 30, 1207; Question, Mr. Wilbraham Egerton; Answer, Mr. Ayrton *July* 7, 1616
*Regent's Park—The Park Keepers*, Question, Mr. Harvey Lewis; Answer, Mr. Ayrton *July* 7, 1621

*Zoological Gardens*, Question, Mr. Peek; Answer, The Chancellor of the Exchequer *June* 20, 493

**Metropolitan Board of Works (Loans) Bill** (*The Marquess of Lansdowne*)
*l.* Read 2ª *; Committee negatived *June* 30
Read 3ª * *July* 1 (No. 131)
Royal Assent *July* 4 [33 & 34 *Vict.* c. 24]

**Metropolitan Buildings and Management Bill** (*Sir William Tite, Mr. Bowring*)
*c.* Bill withdrawn * *June* 20 [Bill 80]

**Metropolitan Regulations Bill** [H.L.]
(*The Marquess Townshend*)
*l.* Bill withdrawn, after short debate *July* 7, 1595 (No. 85)

*Mexico, State of*
Question, Mr. H. B. Sheridan; Answer, Mr. Otway *June* 30, 1205

Miall, Mr. E., *Bradford*
Elementary Education, Comm. Motion for Adjournment, 596, 626, 629; *cl.* 7, 1051; *cl.* 17, 1313; *cl.* 32, 1481

Miller, Mr. J., *Edinburgh* (*City*)
Supply—Home Department, 394

Milton, Viscount, *Yorkshire, W. R.—S.*
Kensington Road Improvement, 714

Mitford, Mr. W. T., *Midhurst*
Vaccination Act Amendment, 2R. 1592

Monck, Viscount
Irish Land, 2R. 94, 98; Comm. *cl.* 3, 879; *add. cl.* 1061; *cl.* 19, Amendt. 1066

Monk, Mr. C. J., *Gloucester*
Clerical Disabilities, Comm. *cl.* 7, Amendt. 1692
Life Assurance Companies, Comm. *cl.* 7, 1177
Supply—Foreign Office, Salaries, 394
Privy Council Office, 398, 399, 405

Montagu, Right Hon. Lord R., *Huntingdonshire*
Army—Control Sub-Departments, 1615
Elementary Education, Comm. 651; *cl.* 3, 1007; *cl.* 5, 1011, 1019; *cl.* 7, 1029; Amendt. 1030, 1031, 1038, 1048, 1050, 1090, 1102, 1109; *cl.* 8, 1119; *cl.* 9, 1219; *cl.* 10, 1229; *cl.* 14, 1269; *cl.* 17, 1310; *cl.* 19, 1318; *cl.* 22, 1321, 1324; *cl.* 27, 1399, 1422; *cl.* 29, 1478, 1479; *cl.* 32, 1482; *cl.* 45, Amendt. 1489; *cl.* 46, 1660, 1666; *cl.* 51, 1671; *cl.* 65, 1720

Morgan, Mr. G. Osborne, *Denbighshire*
Elementary Education, Comm. 664
Parliament—Public Business, 1372

Morley, Earl of
Children, &c. Protection, 2R. 1594
Salmon Fisheries, 1769

Morley, Mr. S., *Bristol*
Elementary Education, Comm. 542

Morrison, Mr. W., *Plymouth*
Elementary Education, Comm. *cl.* 27, 1413
Representation of the People Act Amendment, 2R. 149
University Tests, Consid. 1394]

**Mortgages (No. 2) Bill** (*Mr. Dodds, Mr. Pease, Mr. Bolckow, Mr. Wren-Hoskyns*)
c. Committee—R.P. *June* 22 [Bill 52]
Bill withdrawn* *July* 7

MOWBRAY, Right Hon. J. R., *Oxford University*
University Tests, Consid. 1393, 1395; 3R. 1466

MUNDELLA, Mr. A. J., *Sheffield*
Elementary Education, Comm. 895; *cl.* 7, 1037; *cl.* 27, 1405; *cl.* 65, 1729; Amendt. 1751
Life Assurance Companies, Comm. *cl.* 3, 1172; *cl.* 10, 1227

**Municipal Franchise (Ireland) Bill** (*Mr. William Johnston, Mr. ‘MClure*)
c. Ordered; read 1°* *June* 21 [Bill 176]
Question, Sir Frederick W. Heygate; Answer, Mr. W. Johnston *July* 1, 1305
Bill withdrawn* *July* 1

MUNTZ, Mr. P. H., *Birmingham*
Elementary Education, 1673
Gun Licences, Comm. *cl.* 3, Amendt. 853
Medical Officers Superannuation, 2R. 726
Supply—Home Department, 393

*National Debt*
Moved, "That, in the opinion of this House, it is desirable that some decisive step should be taken substantially and gradually to reduce the National Debt" (*Mr. Lambert*) *July* 5, 1494; Amendt. to leave out "that some decisive step should be taken" (*Mr. Chancellor of the Exchequer*); after long debate, Question, "That the words, &c." put, and negatived; main Question, as amended, put, and agreed to.

**National Debt (Consolidation and Dividends) Bill** (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Bill withdrawn* *June* 17 [Bill 21]

*National Gallery—The Turner Collection*
Question, Mr. Lambert; Answer, Mr. Ayrton *June* 17, 382

*Natural History Museum*
Question, Mr. Beresford Hope; Answer, The Chancellor of the Exchequer *July* 4, 1361

NAVY
*Admiralty Pension Branch*, Question, Sir James Elphinstone; Answer, Mr. Baxter *June* 28, 1089
*Coal for the Admiralty*, Question, Sir John Hay; Answer, Mr. Baxter *July* 1, 1305
*H.M. Ships "Monarch" and "Captain,"* Question, Mr. Graves; Answer, Mr. Baxter *July* 5, 1459
*Retirement of Sir Spencer Robinson and Mr. Reed*, Questions, Sir George Grey, Sir John Pakington; Answers, Mr. Gladstone *June* 27, 1003

NAVY—*cont.*
*The Dockyards*
*Chatham Dockyard*, Question, Mr. Cawley; Answer, Lord John Hay *June* 30, 1212
*Portsmouth Dockyard—Discharged Men*, Question, Mr. Stone; Answer, Mr. Baxter *July* 4, 1353

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid.*
Cattle Disease, 1617
Corrupt Practices at Elections, Motion for a Return, 1552
Elementary Education, Comm. *cl.* 7, 1109
Supply—Offices of the House of Commons, 387
Offices of the House of Lords, 384
Privy Council Office, 404
Treasury, 390

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Bible (Authorized Version), Motion for an Address, 122
Elementary Education, Comm. *cl.* 14, 1269
Gun Licences, Comm. 852; *cl.* 3, 853; *cl.* 7, 856
Parliament—Sittings of the House, Res. 706
Representation of the People Act Amendment, 2R. 164
Unemployed Labour, Res. 443
University Tests, Consid. 1380; 3R. 1461, 1467, 1472

*New Peers*
*June* 21—Right Honourable Thomas O'Hagan, created Baron O'Hagan, of Tullahogue in the county of Tyrone
*June* 23—Sir John Emerich Edward Dalberg-Acton, Baronet, created Baron Acton of Aldenham in the county of Salop

*Sat First*
*June* 14—The Lord Zouche, after the death of his Mother
The Lord Monteagle of Brandon, after the death of his Grandfather
The Lord Hartismere, after the death of his Father
*June* 20—The Lord Auckland, after the death of his Father
*June* 23—The Lord Wigan (Earl of Crawford and Balcarres), after the death of his Father
*July* 1—The Lord Hawke, after the death of his Cousin

*May* 12—Richard Bishop of Chichester
*June* 16—Robert Bent, Bishop of Down, Connor, &c.

*New Writs Issued*
*June* 17—*For* Bristol, *v.* Elisha Smith Robinson esquire, void Election
*July* 6—*For* Norwich, *v.* Sir Henry Josias Stracey, baronet, void Election

*New Members Sworn*
*June* 14—Alexander Dundas Whishart Ross Baillie Cochrane, esquire, *the County of the Isle of Wight*
*June* 16—William Unwin Heygate, esquire, *Leicester County* (Southern Division)
*June* 27—Kirkman Daniel Hodgson, esquire, *Bristol*

[*cont.*

*Newport Election, Riot at*
Question, Mr. Seely; Answer, Mr. Bruce *July* 4, 1354

**New Zealand Loan (Guarantee) Bill**
(*Mr. Dodson, Mr. Monsell, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
*c.* Resolution agreed to, and reported; Bill ordered; read 1°* *July* 1 [Bill 190]
Read 2°* *July* 7

North, Colonel J. S., *Oxfordshire*
Army—Colonels, Motion for a Committee, 1169
India—Army Regulations, 99

Northbrook, Lord (Under Secretary of State for War)
Colonies, Address for a Commission, 460

Northcote, Right Hon. Sir S. H., *Devonshire, N.*
East India Company—Explanation, 1202
Elementary Education, Comm. *cl.* 14, Amendt. 1236; *cl.* 22, 1323; *cl.* 27, 1403; *cl.* 45, 1640, 1654; *cl.* 46, 1659
Gun Licences, Comm. *cl.* 3, 854
India—Great Indian Peninsula Railway Company, 1623

**Norwich Voters Disfranchisement Bill**
(*The Lord Chancellor*)
*l.* Read 3ª* *June* 14 (No. 128)
*c.* Lords' Amendt. considered *June* 23, 856
Amendt. in page 1, line 23, leave out "No," and insert "Neither Arthur Bignold, mentioned in Schedule A, annexed to the said Report, nor any," read 2°
Amendt. to be made thereunto, by inserting after the name "Bignold" the words "nor Orlando D. Ray" (*Mr. Donald Dalrymple*); Question proposed, "That those words be there inserted;" Moved, "That the Debate be now adjourned" (*Mr. Rylands*); Motion withdrawn; original Question put, and agreed to; Lords' Amendt. as amended, agreed to
*l.* Royal Assent *July* 4 [33 & 34 *Vict.* c. 25]

Norwood, Mr. C. M., *Kingston-upon-Hull*
Elementary Education, Comm. *cl.* 3, Amendt. 1007
Supply—Home Department, 394
Privy Council, Salaries, 406

O'Brien, Sir P., *King's Co.*
Army—Deaths from Sunstroke on the March, 1000, 1615

O'Conor, Mr. D. M., *Sligo Co.*
Ireland—Irwin, Mr. G., Case of, 1353
Sligo and Cashel Disfranchisement, 2R. 313

O'Hagan, Lord
Irish Land, Comm. *cl.* 1, 750; *cl.* 3, 769, 871; *cl.* 4, 967, 969; *cl.* 14, 1061; *add. cl.* 1066; *cl.* 19, 1067; *cl.* 41, 1082; Report, *cl.* 3, 1431, 1435; *cl.* 22, Amendt. 1454; 3R. 1705; *cl.* 74, 1709

O'Loghlen, Right Hon. Sir C. M. (Judge Advocate General), *Clare Co.*
Army—Military Punishments, 383

Oranmore and Browne, Lord
Irish Land, 2R. Amendt. 48; Comm. *cl.* 1, 754; *cl.* 3, 769, 775; *cl.* 4, 958, 962, 966; *cl.* 40, 1072; Report, *cl.* 3, Amendt. 1434; 3R. 1699

O'Reilly, Mr. M. W., *Longford Co.*
Army—Deaths on the March, 1211

Ormathwaite, Lord
Irish Land, Comm. *cl.* 3, 776

Osborne, Mr. R. B., *Waterford City*
Fenelly, Mr., Case of, 894
Ireland—Waterford Election Petition, 1209

Otway, Mr. A. J. (Under Secretary of State for Foreign Affairs), *Chatham*
Brazil—Claims of British Subjects, 786
Brown, Mr. M'Leavy, Case of, 262
China — Treaty with — Reported Massacres, 1624, 1625
Greece—Murder of British Subjects, 265
Hayti—British Merchants in, 1623
Mexico—State of, 1205
Supply—Foreign Office, 396, 397
Turkey—Fire at Constantinople, 493

Pakington, Right Hon. Sir J. S., *Droitwich*
Census of 1871, 1711
Elementary Education, Comm. 297, 565; *cl.* 5, 1012; *cl.* 7, 1031; *cl.* 10, 1234; *cl.* 14, Amendt. 1265; *cl.* 27, 1412; *cl.* 33, 1485; *cl.* 46, 1657, 1665
Merchant Shipping Code, Comm. 1426
Navy—Retirement of Sir S. Robinson and Mr. Reed, 1005
Ships "Bombay" and "Oneida," Res. 1544

Palk, Sir L., *Devonshire, S.*
Elementary Education, Comm. *cl.* 6, 1026; *cl.* 46, 1655

Palmer, Sir R., *Richmond*
Elementary Education, Comm. *cl.* 5, 1012; *cl.* 7, 1047; *cl.* 8, 1116; *cl.* 14, 1270, 1271; *cl.* 22, 1324
University Tests, Consid. 1384, 1386, 1397

Palmer, Mr. J. Hinde, *Lincoln City*
Elementary Education, Comm. *cl.* 14, 1264

**Parishioners Rights Bill**
(*Viscount Sandon, Mr. Cowper-Temple*)
*c.* Moved, "That this House will immediately resolve itself into a Committee to consider of providing for the constitution of Parochial Councils in all parishes in England and Wales, and to define and enlarge the powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches" (*Viscount Sandon*) *June* 28, 1121; after long debate, Motion agreed to; Bill ordered
Read 1°* *June* 29 [Bill 187]

PARKER, Colonel Windsor, *Suffolk, W.*
Supply—Offices of the House of Commons, 390

PARKER, Mr. C. S., *Perthshire*
University Tests, 3R. 1462

**Parliament**
LORDS—
*Palace of Westminster*
*St. Stephen's Crypt*, Moved, " That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the requisite arrangements be made for the performance of divine service in the lately restored chapel in Saint Stephen's Crypt during the Session of Parliament" (*The Lord Bishop of Gloucester and Bristol*) *June* 24, 857; after short debate, Motion withdrawn

COMMONS—
*Business of the House*, Question, Mr. Hibbert; Answer, Mr. Gladstone *June* 16, 263
*Morning Sitting*, Question, Mr. Disraeli; Answer, Mr. Gladstone *June* 16, 300
*Sittings of the House*, Moved, " That it is undesirable, for the efficient discharge of Public Business, that Opposed Business should be brought on after Twelve o'clock at night" (*Mr. Gilpin*) *June* 21, 704; Amendt. to leave out " Twelve " and insert " One " (*Mr. Collins*); after short debate, Question put, " That the word ' Twelve ' &c.;" A. 83, N. 104; M. 21; after debate, Question put, " That the word ' One' be there inserted;" A. 76, N. 94; M. 18; Original Question, as amended, proposed; Moved, " That this House do now adjourn" (*Viscount Galway*); Motion and Original Question withdrawn
*Public Business*, Observations, Mr. Gladstone; short debate thereon *July* 4, 1365

*Business of the House*
*Morning Sittings*, Moved, " That, in the opinion of this House, the interests both of Government legislation and of private Members would be promoted by the abolition of Morning Sittings, and by giving Government business precedence of Notices of Motions on Tuesdays after the 15th of June in each year" (*Mr. Andrew Johnston*) *July* 7, 1554; after short debate, Motion withdrawn
*Mr. Speaker's Absence*, Observations, Mr. Speaker *June* 20, 494
Ordered, That during Mr. Speaker's temporary absence at Oxford, on Wednesday next, Mr. Dodson, the Chairman of the Committee of Ways and Means, do take the Chair as Deputy Speaker, pursuant to the Standing Order (*Mr. Gladstone*)
*Bridgwater and Beverley—Appropriation of the Seats*, Question, Mr. Locke King; Answer, Mr. Gladstone *July* 7, 1613
*Parliamentary Representation — The Metropolis*, Question, Captain Grosvenor; Answer, Mr. Gladstone *July* 4, 1359
*Presentation of Petitions—Standing Orders—Ireland—Waterford Election Petition*, Questions, Mr. Matthews, Colonel French; Answers, Mr. C. Forster, Mr. Speaker *July* 1, 1306

PARLIAMENT—COMMONS—*cont.*
*Palace of Westminster*
*Refreshment Rooms for Members*, Question, Mr. Bentinck; Answer, Mr. Ayrton *July* 4, 1362
*Seats in the Central Hall*, Question, Mr. Stacpoole; Answer, Mr. Ayrton *June* 16, 261

**Party Processions (Ireland) Bill**
(*Mr. William Johnston, Viscount Crichton, Captain Archdall*)
*c.* Committee*—R.P. *June* 21 [Bill 26]

**Passengers Act Amendment Bill** [H.L.]
(*The Earl Granville*)
*l.* Presented; read 1ª * *July* 1 (No. 176)

PATTEN, Right Hon. Colonel J. W., *Lancashire, N.*
Supply—Home Department, 394

**Paupers Conveyance (Expenses) Bill**
(*Mr. Peel, Mr. Goschen*)
*c.* Ordered; read 1° * *July* 4 [Bill 193]
Read 2° * *July* 7

PEASE, Mr. J. W., *Durham, S.*
Elementary Education, Comm. *cl.* 7, Amendt. 1031; *cl.* 10, 1233; *cl.* 14, 1244; *cl.* 32, 1482; *cl.* 33, 1485; *cl.* 65, Amendt. 1718
Maw, George, Case of, 787
Unemployed Labour, Res. 443

**Pedlars' Certificates Bill**
(*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
*c.* Ordered; read 1° * *July* 6 [Bill 199]

PEEK, Mr. H. W., *Surrey, Mid.*
Metropolis—Zoological Gardens, 493

PEEL, Mr. A. W. (Secretary to the Poor Law Board), *Warwick Bo.*
Medical Officers Superannuation, 2R. 727

PELL, Mr. A., *Leicestershire, S.*
Clerical Disabilities, Comm. Motion for Adjournment, 449
Elementary Education, Comm: *cl.* 7, 1100; *cl.* 19, 1319; *cl.* 45, 1647, 1648; *cl.* 46, 1658; Amendt. 1659, 1661, 1667
Gun Licences, Comm. *cl.* 7, Amendt. 855

PEMBERTON, Mr. E. L., *Kent, E.*
Pilotage, Comm. 598

PENZANCE, Lord
Irish Land, Comm. *add. cl.* 992; *cl.* 12, 1056; *add. cl.* 1058
Married Women's Property, 2R. 603, 620

**Petty Customs (Scotland) Abolition Bill**
(*The Earl of Airlie*)
*l.* Read 2ª * *July* 5 (No. 106)

**Pier and Harbour Orders Confirmation Bill** (*The Earl of Kimberley*)
*l.* Read 2ª * *June* 17 (No. 110)
Committee, after short debate *June* 21, 622
Report * *June* 23
Read 3ª * *June* 24
Royal Assent *July* 4 [33 & 34 *Vict.* c. 82]

**Pier and Harbour Orders Confirmation (No. 2) Bill**
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
*c.* Report *; Re-comm. *June* 23 [Bills 154-178]
Committee *; Report *July* 4
Considered * *July* 5
Read 3º * *July* 6
*l.* Read 1ª * (*The Earl of Kimberley*) *July* 7 (No. 188)

**Pilotage Bill** [Bill 25]
(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld*)
*c.* Moved, "That Mr. Childers be discharged from further attendance on the Select Committee on the Pilotage Bill" (*Mr. Shaw Lefevre*) *June* 20, 596; after short debate, Moved, "That the Debate be now adjourned" (*Sir Henry Selwin-Ibbetson*); A. 83, N. 91; M. 8
Original Question again proposed; Moved, "That this House do now adjourn" (*Sir James Elphinstone*); after further short debate, Motion and original Question withdrawn
Report of Select Committee *July* 8 [No. 343] [Bill 207]

PLATT, Mr. J., *Oldham*
Elementary Education, Comm. *cl.* 65, 1739

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
Elementary Education, Comm. 552; *cl.* 14, 1278
Medical Officers Superannuation, 2R. 722
Vaccination Act Amendment, 2R. 1586

PLUNKET, Hon. D. R., *Dublin University*
Ireland—Official Salaries, 1620

**Poaching Prevention Act Repeal Bill**
(*Mr. Brown, Mr. Andrew Johnston, Sir David Wedderburn, Mr. Thomas Potter*)
*c.* Moved, "That the Bill be now read 2º" *July* 6, 1555
Amendt. to leave out "now," and add "upon this day three months" (*Viscount Galway*); after long debate, Question put, "That 'now,' &c.;" A. 62, N. 140; M. 78; words added; main Question, as amended, put, and agreed to; Bill put off for three months [Bill 93]

POLLARD-URQUHART, Mr. W., *Westmeath Co.*
Ireland—Local Taxation, Motion for a Committee, 126
National Debt, Res. 1503

POOR LAW
*Nazareth House, Hammersmith—Distraint for Extra Assessment*, Question, Viscount Enfield; Answer, Mr. Goschen *June* 30, 1205
*Rating of Public Buildings—Vagrancy*, Questions, Mr. Cawley, Mr. Brodrick; Answers, Mr. Goschen *June* 20, 490
*Returns of Pauperism*, Question, Mr. Kekewich; Answer, Mr. Goschen *June* 27, 1005

**Poor Relief (Metropolis) Bill**
(*The Lord Privy Seal*)
*l.* Royal Assent *June* 20 [33 & 34 *Vict.* c. 18]

PORTARLINGTON, Earl of
Irish Land, 2R. 357; Comm. *cl.* 3, 882; Report, *cl.* 3, 1443; *cl.* 5, Amendt. 1451; *cl.* 10, Amendt. 1452; *add. cl.* 1454

PORTMAN, Lord
Sequestration, 3R. 953

POST OFFICE
*Ireland—Telegraphic Communication*, Question, Mr. Stacpoole; Answer, The Marquess of Hartington *June* 20, 488; *June* 23, 785
*Mails to India, viâ Brindisi*, Question, Mr. Stacpoole; Answer, The Marquess of Hartington *June* 20, 492
*Postal Weight of English and Foreign Letters*, Question, Mr. J. B. Smith; Answer, The Marquess of Hartington *July* 4, 1357
*Posting Trade Circulars in Belgium*, Question, Mr. M. Guest; Answer, The Marquess of Hartington *June* 20, 490
*West of England Postal Service*, Question, Dr. Lush; Answer, The Marquess of Hartington *July* 5, 1459

**Post Office Bill**
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
*c.* Read 2º * *June* 20 [Bill 144]
Committee *; Report *June* 27 [Bill 183]

POTTER, Mr. E., *Carlisle*
Elementary Education, Comm. *cl.* 17, 1311

POWERSCOURT, Viscount
Irish Land, 2R. 356; Comm. *cl.* 3, 881

POWIS, Earl of
Irish Land, Comm. *cl.* 41, Amendt. 1079
Medical Act Amendment, Comm. *cl.* 18, 1200

*Prayer Book (Lectionary) Bill*
Question, Earl Stanhope; Answer, The Lord Chancellor *July* 4, 1330

**Prayer Book (Lectionary) Bill** [H.L.]
(*The Lord Chancellor*)
*l.* Bill read 2ª, after debate *July* 7, 1602 (No. 127)

*Prison Ministers and Prisons Acts*
Question, Mr. Maguire; Answer, Mr. Bruce *July* 4, 1363

**Processions (Ireland) Bill**
(*Mr. Chichester Fortescue, Mr. Solicitor General for Ireland*)
*c.* Ordered; read 1° * *June* 16 [Bill 170]
Moved, "That the Bill be now read 2°" *July* 7, 1677
Amendt. to leave out "now," and add "upon this day three months" (*Mr. William Johnston*); Question proposed, "That 'now,' &c.;" after long debate, Moved, "That the debate be now adjourned" (*Mr. W. H. Gregory*); A. 111, N. 72; M. 39

**Protection of Inventions Bill**
(*Mr. Attorney General, Mr. Solicitor General*)
*c.* Read 3° * *June* 16 [Bill 157]
*l.* Read 1ª * (*The Earl of Lichfield*) *June* 17
Read 2ª * *July* 4 (No. 142)
Committee *; Report *July* 7
Read 3ª * *July* 8
Royal Assent *July* 14 [33 & 34 *Vict.* c. 27]

**Public Health (Scotland) Supplemental Bill** (*The Lord Advocate, Mr. Adam*)
*c.* Committee *; Report *June* 20 [Bill 136]
Re-comm *; Report *June* 21
Read 3° * *June* 22
*l.* Read 1ª * (*The Earl of Morley*) *June* 23
Read 2ª * *July* 1 (No. 154)

*Public Offices, The New*
*Home and Colonial Offices—The Approaches to the Houses of Parliament,* Questions, Mr. Dudley Fortescue, Mr. Horsman; Answers, Mr. Ayrton *June* 30, 1213

**Public Prosecutors Bill** (*Mr. Eykyn, Mr. Vernon Harcourt, Mr. Rathbone, Viscount Sandon*)
*c.* Bill withdrawn * *July* 8 [Bill 148]

*Public Schools*
Her Majesty's Answer to the Address [30th May] *June* 21, 670

**Public Schools Act (1868) Amendment Bill**
(*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
*c.* Ordered; read 1° * *July* 6 [Bill 200]

**Raikes, Mr. H. C.,** *Chester*
Africa, West Coast—Medical Officers, 128
Sligo and Cashel Disfranchisement, 2R. 315

**Railway Construction Facilities Act (1864) Amendment Bill**
(*Mr. Whalley, Mr. M'Mahon*)
*c.* Bill withdrawn * *June* 21 [Bill 18]

**Rathbone, Mr. W.,** *Liverpool*
Elementary Education, Comm. *cl.* 7, 1038; *cl.* 22, 1322
Metropolis—Thames Embankment, Motion for an Address, 1767
Parliament—Sittings of the House, Res. 713
Representation of the People Act Amendment, 2R. 175

**Read, Mr. Clare S.,** *Norfolk, S.*
Corrupt Practices at Elections, Motion for a Return, 1550
Elementary Education, Comm. *cl.* 10, 1226, 1231; *cl.* 46, 1667
Pilotage, Comm. 597
Poaching Prevention Act Repeal, 2R. 1569
Supply—Privy Council Office, 399, 403

**Real Estate Succession Bill**
(*Mr. Attorney General, Mr. Chancellor of the Exchequer, Mr. Solicitor General*)
*c.* Bill withdrawn * *July* 7 [Bill 81]

**Redesdale, Lord** (Chairman of Committees)
Irish Land, Comm. 741; *cl.* 40, 1076; Report, *cl.* 3, 1430; Amendt. 1446, 1448; 3R. 1702
Pier and Harbour Orders Confirmation, Comm. 623
Sligo and Cashel Disfranchisement, 2R. 1598, 1601

**Reed, Mr. C.,** *Hackney*
Elementary Education, Comm. 816; *cl.* 7, 1051; *cl.* 17, 1316; *cl.* 27, 1418; *cl.* 29, 1478; *cl.* 31, Amendt. 1480

**Rents and Periodical Payments Bill**
(*Sir Roundell Palmer, Mr. Amphlett*)
*c.* Ordered; read 1° * *June* 16 [Bill 169]
Read 2° * *June* 28
Committee *; Report *June* 30
Considered *; read 3° *July* 4
*l.* Read 1ª * (*The Lord Cairns*) *July* 5 (No. 180)

**Representation of the People Acts Amendment Bill**
(*Mr. Hardcastle, Mr. Vernon Harcourt, Mr. Thomas Potter*)
*c.* Moved, "That the Bill be now read 2°" *June* 15, 129 [Bill 28]
Previous Question put, "That that Question be now put" (*Mr. Collins*); after long debate, Question put; A. 181, N. 181; and the numbers being equal, Mr. Speaker declared himself with the Ayes; main Question put; A. 175, N. 183; M. 8; Division List, Ayes and Noes, 180
And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question

**Richard, Mr. H.,** *Merthyr Tydvil*
*Elementary Education, Comm. Amendt. 495

**Richards, Mr. E. M.,** *Cardiganshire*
Friendly Societies, 1786; Motion for an Address, 1788, 1789

Richmond, Duke of
Benefices, 2R. 1342
Benefices Resignation, 3R. 1694
Clarendon, Late Earl of, 951
Irish Land, 2R. 21; Comm. *cl.* 1, Amendt. 748, 755; *cl.* 2, 756; *cl.* 3, Amendt. 758, 774, 776, 777, 778, 780, 781, 860; Amendt. 868, 875, 882, 888, 891, 892; *cl.* 4, 956; Amendt. 958, 959, 960, 963, 966; *cl.* 5, 973, 974, 980; *add. cl.* 990, 992; *cl.* 8, Amendt. 993, 996; *cl.* 12, 1054, 1056; *cl.* 14, 1061; *add. cl.* 1064; *cl.* 21, 1068; *cl.* 40, 1077; *cl.* 41, 1080, 1084; *cl.* 54, Amendt. 1085; *cl.* 66, Amendt. *ib.*; *cl.* 68, 1087; Report, *cl.* 3, 1431; *cl.* 5, 1450, 1455
Medical Act Amendment, Comm. *cl.* 2, Amendt. 1197; *cl.* 18, 1200

Romilly, Lord
Benefices, 2R. 1341
Judicial Committee of the Privy Council, Motion for an Address, 1292
Married Women's Property, 2R. 608

Russell, Earl
Colonies, Address for a Commission, 451, 485
Irish Land, 2R. 40, 45, 46; Comm. *cl.* 3, 761, 764

Rutland, Duke of
Irish Land, 2R. 380

Rylands, Mr. P., *Warrington*
Gun Licences, Comm. *cl.* 3, 855
Sale of Liquors on Sundays, 2R. 1190
Sunday Trading, 2R. 1578
Supply—Foreign Office, Salaries, Amendt. 394
  Home Department, 393
  Offices of the House of Lords, 384
  Privy Council Office, 400
Turkey—Embassy House at Constantinople, 262, 493

Sackville, Mr. S. G. Stopford-, *Northamptonshire, N.*
University Tests, Consid. Motion for Adjournment, 1388

**Saint Olave, &c. Charities Bill**
(*The Lord President*)
*l.* Read 1ª* *June* 14 (No. 138)
Read 2ª* *June* 17
Committee*; Report *June* 23
Read 3ª* *June* 24

**Sale of Liquors on Sunday Bill** [Bill 57]
(*Mr. Rylands, Mr. Candlish, Mr. Birley, Mr. Osborne Morgan*)
*c.* Moved, "That the Bill be now read 2º" *June* 29, 1190; after short debate, Debate adjourned

**Sale of Poisons (Ireland) Bill**
(*Mr. Attorney General for Ireland, Mr. Chichester Fortescue*)
*c.* Committee*; Report *June* 20 [Bill 140]
Read 3º* *June* 20
*l.* Read 1ª* (*The Lord Clandeboye*) *June* 21
Read 2ª* *July* 7 (No. 149)

Salisbury, Marquess of
Attorneys and Solicitors Remuneration, 3R. 1196, 1197
Benefices, 2R. 1340
High Court of Justice, 3R. Amendt. 317, 319
Irish Land, 2R. 74, 88, 98, 249; Comm. *cl.* 1, 749, 754; *cl.* 3, 762, 764, 769, 772, 776, 864; Amendt. 882, 889; *cl.* 8, 994; *cl.* 15, Amendt. 1064; *cl.* 40, 1076; Report, *cl.* 3, 1429, 1430, 1434, 1437; 3R. 1703, 1706
Medical Act Amendment, Comm. *cl.* 17, 1199; *cl.* 18, 1200; Report, 1351
Sequestration, 3R. 953

**Salmon Acts Amendment Bill**
(*Mr. Malcolm, Mr. Hambro, Mr. Cameron*)
*c.* Read 2º* *June* 16 [Bill 163]
Committee*; Report *June* 17
Read 3º* *June* 20
*l.* Read 1ª* (*The Lord Abinger*) *June* 21
Read 2ª* *July* 4 (No. 147)
Committee*; Report *July* 8

*Salmon Fisheries*
Question, Lord Abinger; Answer, The Earl of Morley *July* 8, 1709

Salomons, Alderman Sir D., *Greenwich*
Brokers (City of London), 2R. 740
Life Assurance Companies, Comm. *cl.* 20, 1188

Salt, Mr. T., *Stafford*
Chancery, Accountant General in, 1712
Indian Army, Cadets in the, 894

Samuda, Mr. J. D'A., *Tower Hamlets*
Metropolis—Thames Embankment, Motion for an Address, 1767, 1769

Samuelson, Mr. B., *Banbury*
Elementary Education, Comm. *cl.* 10, Amendt. 1225, 1229

Sandon, Viscount, *Liverpool*
Elementary Education, Comm. 294, 835; *cl.* 19, Amendt. 1317, 1320
Parochial Councils, Leave, 1121, 1146

**Sanitary Act (1866) Amendment Bill**
(*Dr. Brewer, Mr. William Henry Smith*)
*c.* Ordered; read 1º* *June* 30 [Bill 189]

Sclater-Booth, Mr. G., *Hampshire, N.*
Army—Deaths from Sunstroke on the March, 1000
Gun Licences, Comm. *cl.* 3, 853
Life Assurance Companies, Comm. *cl.* 10, 1182
Supply—Offices of the House of Commons, 386, 389

*Scotland*
*Scotch Bills*, Question, Sir David Wedderburn; Answer, The Lord Advocate *July* 4, 1360
*Sheriffships*, Question, Sir Robert Anstruther; Answer, Mr. Bruce *July* 4, 1360

SCOURFIELD, Mr. J. H., *Pembrokeshire*
Bible (Authorized Version), Motion for an Address, 117
Elementary Education, Comm. *cl.* 45, 1632

SEELY, Mr. C., *Lincoln City*
Newport Election, Riot at, 1354

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Capital Sentences (Court of Appeal), 2R. 735
Cattle Disease, 1618
Cattle, Importation of, 493
Elementary Education, Comm. *cl.* 7, 1097, 1105; *cl.* 10, 1232; *cl.* 17, 1313; *cl.* 22, 1322
Gun Licences, Comm. *cl.* 3, Amendt. 854
Parliament—Public Business, 1368
Parliament—Sittings of the House, Res. 709
Pilotage, Comm. Motion for Adjournment, 596, 599
Supply—Privy Council Office, 405

**Sequestration Bill** [H.L.]
(*The Lord Bishop of Winchester*)
*l.* Report *June* 17, 320 (Nos. 116-145)
Moved, "That the Bill be now read 3ª" *June* 27, 953; after short debate, Debate adjourned
Debate resumed *July* 4, 1344; after short debate, on Question, "That the Bill be read 3ª;" resolved in the affirmative; Bill read 3ª
*c.* Read 1° * *July* 6 [Bill 202]

**Settled Estates Bill**
(*Mr. Stapleton, Colonel Stepney, Mr. Stacpoole*)
*c.* Moved, "That the Bill be now read 2°" *June* 22, 740; after short debate, Debate adjourned
Read 2° * *June* 28 [Bill 110]
Committee *; Report *July* 4
Considered *; read 3° *July* 5
*l.* Read 1ª * (*The Earl of Airlie*) *July* 7 (No. 191)

**Sewage Utilization Supplemental Bill**
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
*c.* Ordered * *July* 5
Read 1° * *July* 6 [Bill 201]

SEYMOUR, Mr. A., *Salisbury*
Turkey—Fire at Constantinople, 1622

SHAFTESBURY, Earl of
Ecclesiastical Courts, 1428
Married Women's Property, 2R. 609
Prayer Book (Lectionary), 2R. 1604

**Shannon Navigation Bill**
(*Mr. Stansfeld, Mr. Chichester Fortescue*)
*c.* Ordered; read 1° * *July* 4 [Bill 192]

SHAW, Mr. R., *Burnley*
Supply—Foreign Office, 397
Privy Council Office, 398

SHAW, Mr. W., *Bandon*
Life Assurance Companies, Comm. *cl.* 7, Amendt. 1177; *cl.* 10, Amendt. 1181; *cl.* 11, 1182, 1183; *cl.* 12, Amendt. 1184

SHERIDAN, Mr. H. B., *Dudley*
Life Assurance Companies, Comm. *cl.* 3, 1171, 1172; *cl.* 7, 1177; *cl.* 10, 1181; *cl.* 12, 1185; *cl.* 13, 1187; *cl.* 20, Amendt. 1188
Mexico—State of, 1205

**Sheriffs (Scotland) Act (1853) Amendment, &c. Bill**
(*The Lord Advocate, Mr. Adam*)
*c.* Ordered; read 1° * *July* 4 [Bill 191]

**Shipping Dues Exemption Act (1867) Amendment Bill**
(*Mr. Russell Gurney, Mr. Cowper-Temple*)
*c.* Resolution agreed to, and reported; Bill ordered; read 1° * *July* 4 [Bill 194]
Read 2° * *July* 6

SIMON, Mr. Serjeant J., *Dewsbury*
Elementary Education, Comm. *cl.* 5, 1012; *cl.* 7, Amendt. 1031; *cl.* 10, 1229

**Sligo and Cashel Disfranchisement Bill**
(*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*)
*c.* Moved, "That the Bill be now read 2°" *June* 16, 309
Amendt. to leave out from "That" and add "inasmuch as the evidence taken before the Royal Commission establishes the fact that corrupt practices did not extensively prevail at the last Election for Sligo Borough, only 14 voters out of a constituency of 520 having, after a most protracted inquiry, been proved guilty of any such practices, the Report of the Commissioners, so far as regards the last Election, was not justified; and, under these circumstances, the House considers the disfranchisement of the Borough should not take place" (*Colonel French*); Question proposed, "That the words, &c.;" after short debate, A. 158, N. 23; M. 135; main Question put, and agreed to; Bill read 2° [Bill 139]
Committee *; Report *June* 17
Read 3° * *June* 27
*l.* Read 1ª * (*The Lord Clandeboye*) *June* 28
Order of the Day for the Second Reading read; after short debate, Petition presented, read, and ordered to lie on the Table; Bill read 2ª *July* 7, 1596 (No. 167)
Moved, "That leave be given to the said Petitioners to be then heard as prayed" (*The Earl of Granard*); after further short debate, on Question, resolved in the negative

**Smith**, Mr. J. B., *Stockport*
  India—Great Indian Peninsula Railway Company, 1624
  Post Office—Weight of Letters, 1357

**Smith**, Mr. T. E., *Tynemouth, &c.*
  Ships "Bombay" and "Oneida," Res. 1536

**Smith**, Mr. W. H., *Westminster*
  Courts of Justice, New, 1006
  Elementary Education, Comm. 300, 904; *cl.* 7, 1033, 1045; *cl.* 9, 1222; *cl.* 17, 1317; *cl.* 27, 1420; *cl.* 29, 1478; *cl.* 62, 1715
  Metropolis—Thames Embankment, Motion for an Address, 1752, 1770

**Solicitor General**, The (Sir J. D. Coleridge), *Exeter*
  University Tests, Consid. 1377, 1385, 1389, 1394; *cl.* 3, Amendt. 1396

**Somerset**, Duke of
  Sequestration, 3R. 954

**Speaker**, The (Right Hon. J. E. Denison) *Nottinghamshire, N.*
  Absence of, 494
  Elementary Education, Comm. 298, 299
  Ireland—Waterford Election Petition, 1307
  Unemployed Labour, Res. 442
  University Tests, Consid. 1386

**Spencer**, Earl (Lord Lieutenant of Ireland)
  Ireland—Cork, Disturbances at, 1302
  Irish Land, Report, *cl.* 3, 1446

**Stacpoole**, Mr. W., *Ennis*
  Army—Pay of Officers in India, 785
  Ireland—Dublin, Representation of, 998
    Post Office Telegraphic Communication, 488, 785
  Palace of Westminster—Seats in the Central Hall, 261
  Post Office—Mails to India viâ Brindisi, 492
  Settled Estates, 2R. 740
  Supply—Offices of the House of Commons, 388

**Stamp Duty on Leases Bill**
(*Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
*c.* Considered * *June* 16 [Bill 161]
  Read 3° * *June* 20
*l.* Read 1ª * (*The Marquess of Lansdowne*) *June* 21 (No. 148)

**Stanhope**, Earl
  Benefices Resignation, 1343; 3R. 1694
  Irish Land, Comm. *cl.* 3, 781; Report, *cl.* 3, 1433
  New Lectionary, 1330
  Sligo and Cashel Disfranchisement, 2R. 1601

**Stanley of Alderley**, Lord
  Irish Land, Comm. *cl.* 42, Amendt. 1454

**Stansfeld**, Right Hon. J. (Lord of the Treasury), *Halifax*
  Chancery, Accountant General in, 1712
  Civil Service Commissioners, 1710
  Custom House Clerks, 1361
  Customs and Inland Revenue, Consid. *add. cl.* 307
  Gun Licences, Comm. *cl.* 3, 853, 854
  Ireland—Irwin, Mr. G., Case of, 1354
  Pilotage, Comm. 598
  Supply—Offices of the House of Commons, 386, 390
    Offices of the House of Lords, 383, 384
    Privy Council Office, 400
  Turkey—Embassy House at Constantinople, 262
  Welsh Fasting Girl, Case of the, 1304

**Stapleton**, Mr. J., *Berwick-on-Tweed*
  Elementary Education, Comm. *cl.* 7, 1108
  Settled Estates, 2R. 740
  Supply—Privy Council Office, 400

**Stevenson**, Mr. J. C., *South Shields*
  Elementary Education, Comm. *cl.* 19, 1319

**Stone**, Mr. W. H., *Portsmouth*
  Navy—Discharged Dockyard Men, 1353

**Stradbroke**, Earl of
  Irish Land, Comm. *cl.* 4, 964

**Strutt**, Hon. H., *Derbyshire, E.*
  Hyde Park—The Serpentine, 1207

**Sugar Duties (Isle of Man) Bill**
(*Mr. Stansfeld, Mr. Chancellor of the Exchequer, Mr. William Henry Gladstone*)
*c.* Resolution agreed to, and reported; Bill ordered; read 1° * *July* 7 [Bill 203]
  Read 2° * *July* 8

**Sunday Trading Bill** (*Lords*)
(*The Lord Chelmsford*)
*c.* Moved, "That the Bill be now read 2°" *July* 6, 1573
  Amendt. to leave out "now" and add "upon this day three months" (*Mr. Taylor*); after debate, Question put, "That 'now' &c.;" A. 109, N. 64; M. 45; main Question put, and agreed to; Bill read 2° [Bill 68]

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  Considered in Committee *June* 17 383—Civil Service Estimates—Resolutions reported *June* 20
  Considered in Committee *June* 23, 851—Civil Service Estimates—£765,550 further on Account—Post Office Packet Service £300,000 — Post Office Telegraphs £90,000—Resolutions reported *June* 24

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TALBOT, Mr. J. G., *Kent, W.*
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TAYLOR, Mr. P. A., *Leicester*
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(*The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
*c.* Committee nominated *June* 20, 599 [Bill 196]
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TEMPLEMORE, Viscount
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TITE, Sir W., *Bath*
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Elementary Education, Comm. *cl.* 27, Amendt. 1419; *cl.* 29, 1477
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*l.* Report * *July* 8 (No. 194)

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*Turnpike Trusts*
Questions, Lord George Cavendish, Sir George Jenkinson; Answers, Mr. Bruce *July* 7, 1618

**Turnpike Trusts Arrangements Bill**
(*The Earl of Morley*)
*l.* Read 2ª * *June* 24 (No. 132)
Committee *; Report *June* 27
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*Unemployed Labour*
Amendt. on Committee of Supply *June* 17, To leave out from "That" and add "the continued want of employment among those who live by waged labour in many of the great Towns of the Kingdom calls for the special consideration of this House, with a view to the means that may best be devised for the remedy of the same without delay" (*Mr. W. M. Torrens*), 407; Question proposed, "That the words, &c.;" after long debate, Debate adjourned
Debate resumed *June* 23, 850; after further debate, Amendt. withdrawn

**Union of Benefices Amendment (1870) Bill** [H.L.] (*The Lord Bishop of Winchester*)
*l.* Read 2ª *June* 14, 1 (No. 118)
Committee * *June* 16 (No. 140)
Report * *June* 17
Read 3ª * *June* 20

**University Tests Bill**
(*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster*)
*c.* Considered *July* 4, 1372 [Bill 105]
Moved, "That the Bill be now read 3°" *July* 5, 1460
Amendt. to leave out "now" and add "upon this day three months" (*Mr. Greene*); after long debate, Question put, "That 'now' &c.;" A. 247, N. 113; M. 134; main Question put, and agreed to; Bill read 3°

**Vaccination Act (1867) Amendment Bill**
(*Mr. Candlish, Mr. Serjeant Simon*)
*c.* Order for resuming adjourned debate [31st May] read *July* 6, 1584; after debate, Bill withdrawn [Bill 126]

**Valuation of Lands and Assessments (Scotland) Bill**
(*The Lord Advocate, Mr. Adam*)
*c.* Report of Select Comm. *June* 24
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VANCE, Mr. J., *Armagh City*
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VAUX OF HARROWDEN, Lord
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VERNER, Mr. W., *Armagh Co.*
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VERNEY, Sir H., *Buckingham*
Elementary Education, Comm. 1481; *cl.* 62, 1715

**Vestries (Isle of Man) Bill**
(*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
*c.* Ordered; read 1°* *July* 6 [Bill 198]

**Wages Arrestment Limitation (Scotland) Bill** (*Mr. Anderson, Mr. Gordon, Mr. Miller, Mr. Armitstead*)
*c.* Considered* *June* 21 [Bill 118]
Considered* *July* 6
Read 3°* *July* 7
*l.* Read 1ª* (*The Earl of Airlie*) *July* 8 (No. 192)

**Wages Attachment Abolition Bill**
(*Mr. Stevenson, Mr. Candlish, Mr. Mundella*)
*c.* Read 3°* *June* 14 [Bill 131]
*l.* Read 1ª* (*The Earl of Lichfield*) *June* 16
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END OF VOLUME CCII., AND FOURTH VOLUME OF SESSION 1870.

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